

HB

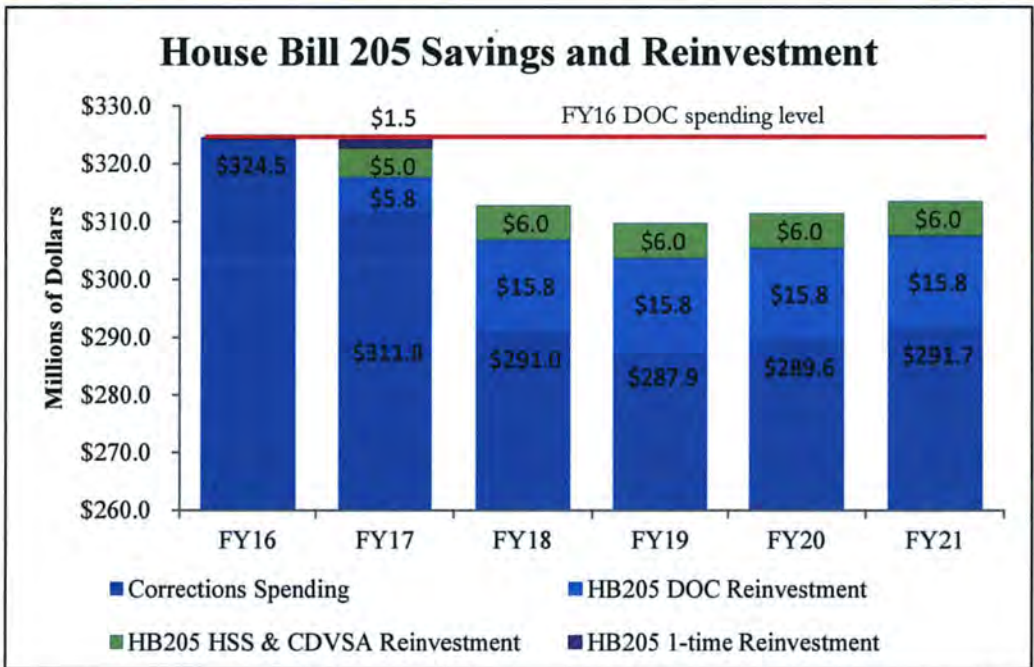
205 -

FILE

2

<TARGET><BILL>HB 205</BILL><SUBJECT>HB 205 - FILE
2</SUBJECT><COMM>HJUD29</COMM></TARGET>

How Would Reinvestment in House Bill 205 Work?



Total Savings: \$150.5 million

What is the Justice Reinvestment concept in HB205?

House Bill 205 will safely reduce the state’s average daily prison population by over 1,600 beds, saving the state millions of dollars each year in marginal cost savings. These savings will serve two purposes: 1) help close the budget gap and 2) free up funds for reinvestment into programs proven to reduce recidivism and victimization.

Will Alaska achieve a net savings after reinvestment?

Yes. Under this proposal, even after reinvestment, the state would achieve savings each year, totaling an estimated 51.0 million dollars through 2021.

How will reinvestment dollars be spent?

Reinvestment dollars will help fund high-priority services for offenders and crime victims. They would be allocated to:

- The Department of Corrections for reinvestment into treatment programming for offenders in prison and community-based pretrial supervision and services,
- The Department of Health and Social Services for grants to community-based treatment and reentry services for offenders, and
- The Council on Domestic Violence and Sexual Assault for grants to community-based prevention programming and victims’ services.

How will the reinvestment spending be overseen?

The Alaska Criminal Justice Commission will advise on how reinvestment dollars are spent, and will report to the Legislature each year on HB205 implementation and reinvestment.

Will reinvestment happen just once or every year?

Every year. In the upcoming fiscal year, HB205 will have some implementation costs. In addition to the implementation costs, \$5.8 million would be needed for reinvestment into Department of Corrections treatment, parole board staffing, and pretrial services, and another \$5.0 million would be reinvested into community-based treatment, prevention, reentry, and victims' services. These reinvestments would then be increased in the second year after implementation when the most significant savings are achieved by HB205. That increased reinvestment amount will be maintained in years three through five as part of the continuing budgets for the Department of Corrections, Department of Health and Social Services, and Council on Domestic Violence and Sexual Assault.

Under this proposal, the 5-year cumulative reinvestment into Department of Corrections treatment and pretrial services will be \$70.5 million, and the 5-year cumulative reinvestment into community-based services will be \$29.0 million.

How are the savings numbers in this document different from the Alaska Criminal Justice Commission's projected savings?

They differ in several ways:

Alaska Criminal Justice Commission	Office of Management and Budget
Savings estimate for a 10-year period.	Savings estimate for a 5-year period.
The savings estimate counts both the net savings from the prison population reduction and the averted costs from the avoided future prison population growth.	The savings estimate counts only the net savings from the prison population reduction.
The savings estimate is the gross savings before reinvestment.	The savings estimate is the net savings after reinvestment.
Projected population reduction and associated savings are based on the Commission's recommendations.	Projected population reduction and associated savings are based on HB205, which largely incorporates the Commission's recommendations, but differs in some ways.

Notes

- Reduction in beds and accompanying savings are predicated on passage of HB205 and timely implementation of recommended elements.
- The DOC costs and savings included here are based on HB205 on March 21, 2016. The costs are supplemented with proposed reinvestment dollar amounts based on the priorities identified by the Alaska Criminal Justice Commission. If changes are made to the bill, costs and savings will be impacted.

HB205 Savings and Reinvestment FY17-FY21

Savings and costs will be included in the base in future years so will carry forward.

Marginal Per-Bed Cost Savings** (\$41.49 per day per bed) in HB205

Fiscal Year	Prison Bed Change By FY	Cumulative Prison Bed Change	FY2017 Savings*	FY2018 Savings	FY2019 Savings	FY2020 Savings	FY2021 Savings	Cumulative Total Savings By FY**
FY2017	-307	-307	-\$12.7					-\$12.7
FY2018	-1,374	-1,681	-\$12.7	-\$20.8				-\$33.5
FY2019	-203	-1,884	-\$12.7	-\$20.8	-\$3.1			-\$36.6
FY2020	109	-1,775	-\$12.7	-\$20.8	-\$3.1	+\$1.7		-\$34.9
FY2021	137	-1,638	-\$12.7	-\$20.8	-\$3.1	+\$1.7	+\$2.1	-\$32.8
Total			-\$63.5	-\$83.2	-\$9.3	+\$3.4	+\$2.1	Total Savings = -\$150.5

**Reduction in beds and accompanying savings predicated on passage of SB91 and timely implementation of recommended elements.

*\$8.0 million of reduction is DOC budget reduction in Governor's FY17 budget

Total Costs

Fiscal Year	FY2017 Total Cost	FY2018 Total Cost	FY2019 Total Cost	FY2020 Total Cost	FY2021 Total Cost	Cumulative Total Costs By FY
FY2017	\$12.3 (includes \$1.5M one-time costs)					\$12.3
FY2018	\$10.8	\$11.0				\$21.8
FY2019	\$10.8	\$11.0	\$0			\$21.8
FY2020	\$10.8	\$11.0	\$0	\$0		\$21.8
FY2021	\$10.8	\$11.0	\$0	\$0	\$0	\$21.8
Total	\$55.5	\$44.0	\$0	\$0	\$0	Total Costs = \$99.5

FY2017 Costs:

- \$1.5 million: revisions to the ACOMS database to address the time accounting adjustments and victim notification modifications (one-time)
- \$0.8 million: additional parole board capacity
- \$5.0 million: reinvestment in treatment and pre-trial programs (through DOC)
- \$5.0 million: reinvestment in community-based services (through HSS and CDVSA)

FY2018 Costs:

- \$10.0 million, reinvestment in treatment and pre-trial programs (through DOC)
- \$1.0 million, reinvestment in community-based services (through HSS and CDVSA)

**Total Net Savings HB205 FY2017 – FY2021
= \$51.0 million**

Insert new bill sections to read:

** Sec. 152. AS 47.38.100(a) is amended to read:

(a) The recidivism reduction program is established to promote the rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons on probation or parole or incarcerated for offenses and recently released from correctional facilities.

* Sec. 153. AS 47.38.100(b) is amended to read:

(b) The commissioner, in cooperation with the Alaska Criminal Justice Commission established in AS 44.19.641 [COMMISSIONER OF CORRECTIONS], may provide for programs that have, as a primary focus, rehabilitation and reduction of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons on probation or parole or incarcerated for offenses and recently released from correctional facilities. The commissioner may enter into contracts to provide for programs under this section. An eligible [A] program under this section must accomplish at least one of the following objectives:

(1) increasing access to evidence-based rehabilitation programs, including drug and alcohol treatment, mental health treatment, and cognitive behavioral programs; or

(2) supporting offenders' transition and re-entry from correctional facilities to the community, including transitional housing services, employment services, vocational training, educational support, counseling, and medical care

[INCLUDE CASE MANAGEMENT:

(2) REQUIRE SOBER LIVING:

(3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT:

(4) REQUIRE EMPLOYMENT, EDUCATIONAL PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM:
AND

(5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO A MAXIMUM OF ONE YEAR].

* **Sec. 154.** AS 47.38.100 is amended by adding a new subsection to read:

(d) In this section, "evidenced-based" means a program or practice that offers a high level of peer-reviewed data on effectiveness."

Renumber the following bill sections accordingly.

Page 98, following line 12:

Insert a new bill section to read:

"* **Sec. 160.** The uncodified law of the State of Alaska is amended by adding a new section to read:

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand community-based violence prevention programming and services for victims of a crime involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this section "domestic violence" and "sexual assault" have the meanings given to those terms in AS 18.66.990."

Renumber the following bill sections accordingly.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version CSHB205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB205CS-DHSS-PS-3-22-16 Dept. Affected Health and Social Services
 Title Criminal Law/Procedure; Driv Lic; Publ Aid Appropriation Juvenile Justice
 Allocation Probation Services
 Sponsor Rep Millett
 Requester House JUD OMB Component Number 2134

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated **SUPPLEMENTAL (FY16) operating costs** 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY17) costs** 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? NO
 If yes, by what date are the regulations to be adopted, amended, or repealed? NA Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Not applicable; initial version.

Prepared by Rob Wood, Director
 Division Division of Juvenile Justice
 Approved by Sana Efirid, Assistant Commissioner, Finance and Management Services
 Agency Health and Social Services

Phone 907-465-2112
 Date/Time 3/22/2016 4pm
 Date 3/22/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSHB205

Analysis

The changes proposed to criminal statute to increase the monetary threshold for certain property crimes will apply to juvenile offenders under the jurisdiction of the Division of Juvenile Justice. The changes will not negatively impact the work with juvenile offenders because the services provided by Division of Juvenile Justice are based upon risk and need, rather than purely on the level of criminal offense for which the juvenile offenders were referred. The effort to update the threshold level, train staff, update written materials, and reprogram the Division of Juvenile Justice offender database can be accomplished using existing resources.

The changes proposed to reduce various criminal offenses to violations will have little negative impact on the work of the Division of Juvenile Justice. Very few youth are currently referred to the Division for these offenses.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB 205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB205-DOA-DMV-03-23-16 Dept. Affected Administration
 Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Motor Vehicles
 Allocation Motor Vehicles
 Sponsor Representative(s): Millett, LeDoux, Tarr
 Requester House Judiciary OMB Component Number 2348

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY16) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated to reflect new version of bill. No other changes to fiscal note.

Prepared by Amy Erickson, Director
 Division Motor Vehicles
 Approved by Sheldon Fisher, Commissioner
 Agency Department of Administration

Phone 907-269-5574
 Date/Time 3/23/16 11:50 AM
 Date 3/23/2016

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. HB 205

Analysis

If enacted, HB205 will authorize DMV to restore an administratively-revoked driver license, privilege to drive, or privilege to obtain a license if the corresponding court case is acquitted or dismissed. Individuals with licenses revoked for felony or misdemeanor DUIs may also have the ability to obtain a limited license or have their license revocation terminated provided they meet eligibility requirements.

Workloads will be appropriately managed for DMV employees to provide these services to limit the fiscal impact. Therefore, a zero fiscal note is submitted.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB 205
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB205-DOA-OPA-03-23-16 Dept. Affected Administration
Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Legal and Advocacy Services
Allocation Office of Public Advocacy
Sponsor Representatives Millett, LeDoux, Tarr
Requester House Judiciary OMB Component Number 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates					
			FY17	FY17	FY18	FY19	FY20	FY21
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1178	temp code (UGF)							
		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY16) operating costs 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? N/A Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Update for version H of this bill.

Prepared by Richard Allen, Director
Division Office of Public Advocacy
Approved by Sheldon Fisher, Commissioner
Agency Department of Administration

Phone 907-269-3504
Date/Time 3/23/16 8:05 AM
Date 3/23/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 205

Analysis

Version H of this bill expands incentives for successful completion of treatment programs by allowing for credit against terms of imprisonment. Additionally, this bill increases amounts of court surcharges from defendants convicted of a crime or violation and provides opportunities for defendants to regain driving privileges in some circumstances.

The Office of Public Advocacy does not anticipate a financial impact from this legislation and therefore, submits a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version CSHB 205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB205CS-DOA-PDA-03-22-16 Dept. Affected Administration
 Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Legal and Advocacy Services
 Allocation Public Defender Agency
 Sponsor Representative Millett
 Requester House Judiciary OMB Component Number 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY16) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No.
 If yes, by what date are the regulations to be adopted, amended, or repealed? No. Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated for committee substitute.

Prepared by Quinlan Steiner
 Division Public Defender Agency
 Approved by sheldon Fisher, Commissioner
 Agency Department of Administration

Phone 907 334-4414
 Date/Time 3/22/16 5:30 PM
 Date 3/22/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. CSHB 205

Analysis

This bill implements recommendations developed from multi-agency collaboration designed to lower recidivism and incarceration costs. The bill provides incentives for successful completion of treatment programs by allowing for credit against terms of imprisonment. Additionally, provides opportunities for defendants to regain driving privileges in some circumstances.

Changes to the CS are not anticipated to cause a financial impact to the Public Defender Agency. The agency, therefore, submits a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB205
Fiscal Note Number _____
() Publish Date _____

Identifier (file name) HB205-DOC-COMM-03-24-16 Dept. Affected Department of Corrections
Title OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS Appropriation Administration and Support
Allocation Office of the Commissioner
Sponsor Representative(s) Millett, LeDoux, Tarr
Requester (H) Judiciary OMB Component Number 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates					
			FY17	FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES								
Personal Services	3,050.9		9,828.8	9,579.1	9,713.2	9,881.7	10,093.3	
Travel	(545.5)		(3,123.2)	(3,531.5)	(3,312.3)	(3,036.8)	(2,690.9)	
Services	724.3		(3,606.4)	(4,627.4)	(4,079.2)	(3,390.1)	(2,525.0)	
Commodities	(1,698.7)		(10,238.4)	(11,633.6)	(10,884.4)	(9,942.8)	(8,760.7)	
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	1,531.0	0.0	(7,139.2)	(10,213.4)	(8,562.7)	(6,488.0)	(3,883.3)	

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF	1,531.0	(7,139.2)	(10,213.4)	(8,562.7)	(6,488.0)	(3,883.3)	
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1178	temp code (UGF)							
TOTAL		1,531.0	0.0	(7,139.2)	(10,213.4)	(8,562.7)	(6,488.0)	(3,883.3)

POSITIONS								
Full-time	36		130	130	130	130	130	
Part-time								
Temporary								

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY16) operating costs _____ (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs _____ (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? _____
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by April Wilkerson
Division Administrative Services - Department of Corrections
Approved by Dean Williams
Agency Department of Corrections

Phone 465-3460
Date/Time 3/24/2016 1:5500:00 PM
Date 3/24/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB205

Analysis

This legislation makes several changes to sentencing, probation, parole and bail statutes.

Changes to sentencing statutes will reduce and limit the sentence length of imprisonment. The current projected impacts to the offender population are: FY2017 reduced population by (307) for a generated savings of (\$4,649.2), FY2018 reduced population by (1,374) for a generated savings of (\$20,807.6), FY2019 reduced population by (203) for a generated savings of (\$3,074.2), FY2020 increased population by 109 for an adjusted cost of \$1,650.7, FY2021 increased population by 137 for an adjusted cost of \$2,074.7, and FY2022 increased population by 172 for an adjusted cost of \$2,604.7.

Probation and Parole incentive reductions

This section allows probationers to receive earned compliance credit when the probationer successfully complies with all conditions of probation or parole allowing for early termination. This will require revisions to the department's current inmate time accounting system. The current anticipated costs for system redesign, training, implementation and maintenance is anticipated to be approximately \$750.0 with on-going operational costs once fully implemented.

Probation and Electronic Monitoring impacts are indeterminate - while there will be an increase with the population that is releasing from prisons, there will be an offsetting decrease due to the number of persons where probation will expire with the granted good time etc within the bill. Therefore the department is not able to quantify any significant changes at this time.

Pre-Trial Services

This section establishes a Pretrial Services Program within the Department of Corrections. This program requires pretrial risk assessments for all defendants to be submitted to the Courts within 24 hours of arrest and may include basic community supervision. This requires the adoption of a pretrial risk assessment tool that does not require a defendant to be interviewed, but instead relies only on factors that could be found in public safety and court records; A pretrial officer will conduct risk assessment scoring on all defendants prior to their first appearance before a judicial officer; and make recommendations to the court regarding the release/detain decision, and appropriate conditions of release; provide basic supervision through phone contact to monitor compliance with release conditions for high-risk defendants and some moderate-risk defendants who have been released; and provide "enhanced supervision" which involves face-to-face supervision or state-monitored electronic monitoring for higher-risk defendants who are released .

The following assumptions were made to calculate pre-trial costs:

Approximately 32,000 persons would be processed annually and require a risk assessment, of which 70% (or 22,500 persons) would release pretrial. Of the pretrial releases approximately 66% (or 14,850 persons) would release to basic supervision with an average length of supervision of 4.66 months (based on current Department of Corrections reporting) for 5,767 persons on supervision at any given time. In addition, this legislation allows for enhanced supervision of which it is assumed that approximately 10% of the population released pre-trial population (or 2,250 persons) would release to enhanced supervision or electronic monitoring with an average length of supervision of 4.66 months (based on Department of Corrections data) for 874 persons on enhanced supervision at any given time.

It is anticipated this program will require 125 full-time positions and \$15,616.6 in funding (or 95 full-time positions and \$11,274.6 without electronic monitoring) over two years allowing for the establishment of policy and training criteria for the program. Three regional offices would be established in Anchorage, Juneau and Palmer to oversee the persons placed into this Program. Based on these assumptions above the funding break-out for each of these areas is anticipated to be:

Offender Assessments of 32,000 persons annually (required within 24-hours / no face to face interviews):

\$2,892.2 – Personal Services
\$ 60.0 – Travel and training
\$ 709.5 – Contractual Services (including indirect costs)
\$ 165.0 – Supplies (excludes OTI startup costs)
\$3,826.7 – Total

31 Positions would include:

1-Adult Probation Officer V, 3-Adult Probation Officer III supervisors for each regional office, 24-Adult Probation Officer I/II , 3-Criminal

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB205

Analysis Continued

Pre-Trial Services (continued)

Basic Supervision of 14,850 persons annually (estimated 5,767 daily with 75 caseloads per officer):

\$5,643.5 – Personal Services

\$ 135.0 – Travel and training

\$1,354.5 – Contractual Services (including indirect costs)

\$ 315.0 – Supplies (excludes one-time start-up costs)

\$7,448.0 - Total

63 Positions would include:

54-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

Enhanced Supervision of 2,250 persons annually (estimated 874 daily with 45 caseloads per officer):

\$2,755.0 – Personal Services

\$ 52.5 – Travel and training

\$ 709.5 – Contractual Services (including indirect costs)

\$ 825.0 – Supplies (excludes one-time start-up costs)

\$4,342.0 - Total

31 Positions would include:

3-Adult Probation Officer III supervisors to oversee each regional office, 19-Adult Probation Officer I/II positions, 6-Criminal Justice Technician I/II, 3-Office Assistant

In FY2017 the department would require a portion of the funding to establish and set programmatic policy and training criteria needs. This would require the following:

\$2,822.7 – Personal Services

\$ 61.9 – Travel and training

\$ 693.4 – Contractual Services (including indirect costs)

\$ 326.3 – Supplies (excludes one-time start-up costs)

\$3,904.3 – Total

Initial 31 Positions would include:

1-Adult Probation Officer V, 6-Adult Probation Officer III supervisors to oversee each regional office, 15-Adult Probation Officer I/II positions (5 for each regional office), 6-Criminal Justice Technician I/II, 3-Office Assistant

The remaining funding and positions would be necessary in FY2018 to fully deploy the program. This would require the following:

\$ 8,468.0 – Personal Services

\$ 185.6 – Travel and training

\$ 2,080.1 – Contractual Services (including indirect costs)

\$ 978.8 – Supplies (excludes one-time start-up costs)

\$11,712.5 – Total

Remaining 94 Positions would include:

81-Adult Probation Officer I/II positions, 10-Criminal Justice Technician I/II, 3-Office Assistant

Board of Parole

This section establishes automatic Administrative Parole allowing offenders a limited category of automatic release without a hearing if the prisoner has met the conditions of imprisonment, is not excluded by court order, has agreed to the conditions of parole, the victim does not request a hearing, and the prisoner has met the requirements of the case plan. This section is anticipated to reduce the overall institutional population and is included in the above population projections. Revisions to the department's Victim Information Notification (VINE) System may be required and is anticipated to be \$750.0 for the redesign, implementation and maintenance with on-going operational costs once fully implemented.

(continued next page)

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB205

Analysis Continued

Board of Parole (continued)

This section will also expand and streamline the use of discretionary parole. It is anticipated this will increase the number of offenders who are eligible to apply for parole as well as streamline the decision making process. A conservative estimate is this recommendation would double the number of discretionary parole hearings conducted by the board. This recommendation does not allow for "automatic" releases onto discretionary parole as with the administrative parole.

In addition, it implements specialty parole options for the oldest cohort of inmates. This section will create a new category of parole eligible inmates: all inmates over the age of 55 and have served at least 10 years in prison are now eligible to apply for discretionary parole, regardless of the offense or length of sentence. At this time there are approximately 117 inmates that could meet this section. The board anticipates an increase in the requested hearings associated with this section.

It is anticipated each of these increases will impact the number of hearings held annually increasing the board member Honoraria. The Honoraria is calculated based on work days and file reviews. Each additional work day is \$250.00 per board member and \$16.00 per file review. It is anticipated that this will increase the number of work days to 200 for each board member from 140 days per Board Member. This increases the personal services costs by \$110,000.00 for the Parole Board Member Honoraria (\$100,000.00 for the increased work days for the 5 board members and \$10,000.00 for the increased file reviews).

Reduce the pre-hearing length of stay and cap the overall incarceration time for revocations on technical violations of supervision. This recommendation will limit incarceration lengths for parole violations and require a shorter response time by the board for technical violations. Currently board members have 15 working days to conduct an initial hearing for remanded parolees this changes the timeframe and requires a hearing within 3 days for the first violation. This will require the Parole Board to re-configure the current violation response process in order to meet this timeframe. Currently the board members are part-time employees, in order to respond timely to remanded parolees four additional full-time hearing officer positions will be needed.

The anticipated cost for these four Hearing Officer positions is:

\$415.2 – Personal Services
\$ 10.0 – Travel and training
\$ 60.0 – Contractual Services (including indirect costs)
\$ 68.0 – Supplies (including \$60.0 OTI startup costs)
\$553.2 - Total

Establishes a system of earned compliance credits. The board or a staff member designated by the board will review and calculate the parole eligibility date of a case brought to the board's attention and will notify the prisoner and department in writing of the correct calculation date. This calculation by the board or designated staff member is the official eligibility date. Currently there is no dedicated position within the Parole Board certified in time accounting. With the anticipated increases in the number of expected discretionary hearings and also calculating earned compliance credits which will consistently reduce parole expiration dates, the board will need a certified time accounting position.

The anticipated cost for one Criminal Justice Technician I/II is:

\$ 80.7 – Personal Services
\$ 15.0 – Contractual Services (including indirect costs)
\$ 17.0 – Supplies (including \$15.0 OTI startup costs)
\$112.7 - Total

It is anticipated these changes will require a total of 5 positions and \$775.9 in FY2017.

Correctional Restitution Centers

This section requires the centers to provide certain offenders with rehabilitation through comprehensive treatment for substance abuse, cognitive behavioral disorders, and other criminal risk factors, including aftercare support. In addition, it requires the department to implement quality assurance measures, treatment standards, implement a process to assess an offender's risk of recidivating to include limiting the mixing of low and high risk prisoners. It is anticipated this change will require an increase of \$2,000.0 in FY2018 for contractual changes.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) CSHB205(JUD)-DPS-APSC-03-24-16 Dept. Affected Public Safety
 Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Alaska Police Standards Council
 Allocation Alaska Police Standards Council
 Sponsor Millett
 Requester House Judiciary OMB Component Number 519

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated **SUPPLEMENTAL (FY16) operating costs** _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated **CAPITAL (FY17) costs** _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated to reflect changes made in the House Judiciary committee.

Prepared by Robert Griffiths, Executive Director
 Division Alaska Police Standards Council
 Approved by Gary Folger, Commissioner
 Agency Public Safety

Phone 907-465-5523
 Date/Time 3/24/16 6:00 PM
 Date 3/24/2016

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. HB205

Analysis

The House Judiciary committee substitute for this bill does not include the section that would have amended AS 12.55.039(a) to increase the court surcharge amounts for persons convicted of certain crimes or violations, which would have increased the revenue to the Alaska Police Standards Council.

This version will have no fiscal impact on the Alaska Police Standards Council.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) CSHB205(JUD)-DPS-AST-03-24-16 Dept. Affected Public Safety
 Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Alaska State Troopers
 Allocation AST Detachments
 Sponsor Millett
 Requester House Judiciary OMB Component Number 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates				
			FY18	FY19	FY20	FY21	FY22
OPERATING EXPENDITURES	FY17	FY17	FY18	FY19	FY20	FY21	FY22
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE		(Thousands of Dollars)					
1002	Federal Receipts						
1003	GF Match						
1004	GF						
1005	GF/Prgm (DGF)						
1007	I/A Rcpts (Other)						
1178	temp code (UGF)						
		0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY16) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Updated to reflect changes made by the House Judiciary committee.

Prepared by Lieutenant David Hanson
 Division Alaska State Troopers
 Approved by Gary Folger, Commissioner
 Agency Public Safety

Phone 907-269-5587
 Date/Time 3/24/16 6:15 PM
 Date 3/24/2016

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2016 LEGISLATIVE SESSION**

BILL NO. HB205

Analysis

This legislation makes several changes to statutes relating to bail, sentencing, and probation.

The Division of Alaska State Troopers does not anticipate a fiscal impact as a result of this legislation, and therefore submits a zero fiscal note.

FISCAL NOTE

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Bill Version HB 205
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) HB205CS(JUD)-LAW-CRIM-03-22-16 Dept. Affected Law
 Title Criminal Law/Procedure; Driv Lic; Pub Aid Appropriation Criminal Division
 Allocation Criminal Justice Litigation
 Sponsor Representative(s) Millett, LeDoux, Tarr
 Requester House Judiciary OMB Component Number 2202

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY17 Appropriation Requested	Included in Governor's FY17 Request	Out-Year Cost Estimates					
			FY18	FY19	FY20	FY21	FY22	
OPERATING EXPENDITURES								
Personal Services	***		***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants, Benefits								
Miscellaneous								
TOTAL OPERATING	***	0.0	***	***	***	***	***	***

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1178	temp code (UGF)							
TOTAL		***	0.0	***	***	***	***	***

POSITIONS								
Full-time								
Part-time								
Temporary								

CHANGE IN REVENUES								

Estimated SUPPLEMENTAL (FY16) operating costs _____ (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY17) costs _____ (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

This fiscal note differs from the initial version in that it reflects the changes present in the committee substitute adopted as a work draft by House Judiciary.

Prepared by Valerie Rose, Budget Analyst
 Division Administrative Services Division
 Approved by Craig W. Richards, Attorney General
 Agency Department of Law

Phone 465-3674
 Date/Time 3/22/16 4:59 PM
 Date 3/23/2016

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 205

Analysis

This legislation makes significant changes to the current criminal code and incorporates policy recommendations from the Alaska Criminal Justice Commission.

Reduction in Sentence Length

The legislation reduces felony sentences and establishes a maximum imprisonment of 30 days for most misdemeanor cases. This maximum 30-day sentence can be exceeded if a jury finds that the conduct was among the most serious for that type of offense or if the defendant is convicted for an offense and has been convicted of similar offenses in the past.

The Department of Law anticipates an increase in the number of trials as well as an increase in the amount of work required for misdemeanors due to these changes. The increased work results from being required to prove aggravators for misdemeanors. This will involve litigating, first in the trial courts and then in the appellate courts, how these new aggravators will be applied and interpreted. It is unclear how many cases will fall into the categories requiring additional time, therefore the department is unable to quantify the impact of these sections at this time.

Bail Reform

The legislation makes significant changes to the bail process. Under the legislation a judge is required to order a person released on their personal recognizance unless they find on the record that there is clear and convincing evidence that less restrictive conditions will not reasonably ensure that the person will appear in court or protect the safety of the victims and the community.

Under current law a judge may not consider the person's inability to pay the bail when setting or amending bail. This law reverses that limitation of what a judge may consider and specifically requires a judge to consider whether a person has ability to post the bail amount.

Another new requirement is a risk assessment by a pretrial services officer. That assessment along with recommendations on conditions of release must be presented to the judge, prosecutor, and defense attorney before each person is arraigned. How those assessments are conducted, interpreted and applied will likely result in new litigation.

Because inability to pay would be an allowable basis for requesting a bail review hearing, bail review hearings will be available to a larger group of people resulting in a significant increase in hearings. It is unclear exactly how many more hearings or how much new litigation will result from these sections. Therefore, the department is unable to quantify the impact of these sections at this time.

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB 205

Analysis Continued

Suspended Entry of Judgment

The legislation establishes a new judicial procedure in which a person is found guilty or pleads guilty to a crime and the judgment is not immediately entered. The person would be put on probation for a certain period of time. If the person successfully completes probation the judgment would not be entered and there would never be a formal entry of guilt for the person.

The department does not anticipate a fiscal impact from this section at this time.

Pretrial Services Program

The legislation establishes a pretrial services program in the Department of Corrections. This program shall develop and implement a pretrial risk assessment which will be conducted on all defendants before the defendant's first appearance before a judicial officer and supervise pretrial defendants who are released on bail as ordered by the court.

The department does not anticipate a fiscal impact from these sections at this time.

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version: HB 205
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB205CS(JUD)-ACS-TRC-03-28-16
Title: CRIMINAL LAW/PROCEDURE; DRIV LIC; PUB
AID
Sponsor: MILLETT
Requester: House Judiciary Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Trial Courts
OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
---------------------------	--	--	--	--	--	--	--

Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated to reflect changes in workdraft adopted by House Judiciary Committee (version H). No change to fiscal impact (remains zero).

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	03/28/2016 10:00 AM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	03/28/16
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

BILL NO. HB205

Analysis

The House Judiciary Committee Substitute for House Bill 205 (version H) makes changes to numerous areas of criminal law and procedure, including changes to bail decision-making, sentencing, probation practices, and driver license revocations and reinstatements. Many of the revisions in the bill stem from recommendations made by the Alaska Criminal Justice Commission, created in 2014 through SB 64. The majority of the changes made in HB 205 directly affect either the Department of Corrections (changes in probation supervision practices, risk assessments, and re-entry programs for prisoners) or another state agency.

The changes in HB 205 that do affect the court system's procedures or cases will be incorporated into the court's normal handling of cases and hearings with no fiscal impact. Some sections of the bill may increase the court's workload, while others may decrease it. Overall, the court system anticipates that the changes in the bill will balance, leading to this zero fiscal note.

For example, the court may see more bail review hearings because the standard for getting a hearing will include the inability to pay the bail amount that was set; we may also see an increase in petitions to revoke probation since probation officers may be encouraged to file a petition for any and all violations of conditions. Further, the court system will need to develop new procedures in cooperation with the Department of Corrections to enable the Pretrial Services Officers to transmit needed risk assessment reports and recommendations to the courts around the state, a project that will take time and coordination. The court system will also be required to establish a mechanism for sending additional reminder notices to defendants with information about their hearings (direct court rule amendment).

On the other hand, the bill may lead to some hearings being eliminated because some criminal misdemeanors will become violations, and some felonies will become misdemeanors. It is not fully clear whether the limited license provisions will result in additional hearings for individuals whose DUI cases are fully closed, and who wish to reinstate their driving licenses.

On balance, the court system anticipates that it can implement the changes called for in HB 205 without fiscal impact.

	PRETRIAL CREDIT?		POST – SENTENCE CREDIT	
	<i>Day for day credit</i>	<i>Good time credit</i>	<i>Day for day credit</i>	<i>Good time reduction under AS 33.20.010 assuming none is forfeited¹</i>
Jail	yes	yes	Yes always	Excluded are persons: <ul style="list-style-type: none"> • Sentenced to a mandatory 99 term of imprisonment (see 12.55.125(a) or (i))(some murders² and three-strike offenders³) • Convicted of any unclassified or class A sexual felony⁴ • Convicted of a sex felony with one prior sex felony
CRC	<ul style="list-style-type: none"> • If placed by DOC, yes. • If there for an approved bail placement, may be if determined by court at sentencing to be sufficiently restrictive 	<ul style="list-style-type: none"> • If placed by DOC, yes • If there for an approved bail placement, no 	Yes if placed there by DOC	yes
Treatment	If there for an approved bail placement, may be if determined by court at sentencing to be sufficiently restrictive	No	Yes if placed there by DOC	No
EM or Private residence	Yes, changed in 2015.	No	Yes if placed there by DOC	No

¹ A prisoner convicted of an offense against the state or a political subdivision of the state and sentenced to a term of imprisonment that exceeds three days is entitled to a deduction of one-third of the term of imprisonment rounded off to the nearest day if the prisoner follows the rules of the correctional facility in which the prisoner is confined. Good time credit is subject to forfeiture under § 33.20.050 under DOC regulations for commission of an offense or violation of rules.

² AS 12.55.125(a) after June 27, 1996. Persons subject to a mandatory 99 year term of imprisonment are those both convicted of murder 1 and when

(1) the defendant is convicted of the murder of a uniformed or otherwise clearly identified peace officer, firefighter, or correctional employee who was engaged in the performance of official duties at the time of the murder;

(2) the defendant has been previously convicted of

(A) murder in the first degree under AS 11.41.100 or former AS 11.15.010 or 11.15.020;

(B) murder in the second degree under AS 11.41.110 or former AS 11.15.030; or

(C) homicide under the laws of another jurisdiction when the offense of which the defendant was convicted contains elements similar to first degree murder under AS 11.41.100 or second degree murder under AS 11.41.110;

(3) the defendant subjected the murder victim to substantial physical torture;

(4) the defendant is convicted of the murder of and personally caused the death of a person, other than a participant, during a robbery; or

(5) the defendant is a peace officer who used the officer's authority as a peace officer to facilitate the murder.

³ AS 12.55.125(l). A defendant convicted of an unclassified or class A felony offense, and already not subject to a mandatory 99-year sentence under (a) of this section, shall be sentenced to a definite term of imprisonment of 99 years when the defendant has been previously convicted of two or more most serious felonies.

⁴ Sexual felonies include all felony-level SAM's, SA's, indecent exposure and child porn possession offenses.

DATE: October 13, 2015

TO: Alaska Criminal Justice Commission

FROM: National Crime Victim Advocate Anne Seymour
Consultant, The Pew Charitable Trusts, Public Safety Performance Project

SUBJECT: Victim/Survivor/Advocate Roundtables Summary Report and Priorities

Crime victims, survivors and victim advocates are important stakeholders in the work of the Alaska Criminal Justice Commission. Two Roundtable discussions were held in September 2015 to provide survivors and advocates with an overview of the Commission's work to date and future activities, and to seek their input in establishing priorities for crime victims and those who serve them in Alaska for review by the Commission. The Roundtable discussions were augmented by interviews with five survivors and nine victim advocates in Anchorage and Fairbanks.

There were 18 survivors, advocates and justice professionals at the Fairbanks Roundtable on September 16, and 11 survivors, advocates and justice professionals at the Bethel Roundtable on September 18. The second Roundtable sought to identify issues and concerns of victims and advocates in remote and bush jurisdictions in Alaska. Victim advocates at both Roundtables represented both community and system-based victim assistance services. A list of Roundtable participants is included at the end of this memorandum.

Welcome and Overview

At the Fairbanks Roundtable, Commission Member Brenda Stanfill, Executive Director of the Interior Alaska Center for Nonviolent Living, welcomed participants on behalf of the Commission and emphasized the importance of the Roundtables in identifying the most important needs of Alaska crime victims, as well as gaps in victim services. Commission Member Senator John Coghill noted that effective justice reform efforts require input and support from those most directly affected by crime – victims and survivors – and the victim assistance professionals who serve them.

At both Roundtables, Terry Schuster of The Pew Charitable Trusts provided an overview of the Commission's work and initial findings to date (a summary of this presentation has been emailed to all Roundtable participants).

Victim/Survivor/Advocate Roundtable Priorities

There are ten priorities for the Commission's consideration that would improve victim safety, services and support in Alaska:

- 1. Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.**
- 2. Programs and services focused on crime prevention and bystander intervention should be strengthened to ultimately contribute to less crime and fewer victims in Alaska.**
- 3. Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.**
- 4. Evidence-based and culturally-competent programming and supervision for offenders should be developed and expanded, including batterers' intervention, restorative community service, and expanded supervision options for certain misdemeanor offenses.**
- 5. The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.**
- 6. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.**
- 7. Institutionalized training for criminal justice professionals should be regularly offered to teach about victims' rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.**
- 8. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.**
- 9. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.**

10. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.

Victim/Survivor Issues Unique to Remote and Bush Communities in Alaska

The advice offered at the Bethel Roundtable to “think about bush regions differently than you might think of urban areas” is very important for the Commission to consider. As one participant noted, “there is no comparison.”

The dynamics in isolated communities in Alaska are different from other regions of the state. The majority of villages have fewer than 500 residents and there is often over-crowding. In many cases, victims and offenders are within the same family or are neighbors. There may be “contradictory dynamics” with some families seeking healing and other families being very upset and angry in the aftermath of crime. In cases involving suicide or homicide, everyone is affected, and behavioral health providers try to facilitate healing within villages after violent deaths.

Crime and victimization in bush regions of Alaska are detrimentally affected by very high and disproportional rates of alcohol abuse, which includes both biological and psychological factors; racial disparities in Alaska’s justice system; disproportionate numbers of Alaska Natives who are victims and convicted offenders; and high rates of poverty and unemployment, among other factors.

Some participants felt that law enforcement interactions with villages “are not positive.” There is often a lack of understanding about court and criminal justice processes; sometimes innocent people simply plead guilty because they don’t understand the process. This can result in people getting trapped in the system and being re-arrested over and over again, and victims who often feel “like they are the one in trouble.” In addition, Alaska State Troopers have many roles. For example, the Alaska Wildlife Trooper who issues citations or confiscates nets is the same person to call for domestic violence and sexual assault, which creates a barrier to reporting such crimes.

Outreach to victims in remote regions is difficult and expensive. Current efforts to partner with tribal councils and Alaska Legal Services to promote awareness of victim services need to be expanded.

Battered women face many barriers to justice and healing:

- When judges allow an offender to stay in the home, the victim (often with children) has to leave
- The alleged perpetrator may be a person in a leadership position in the village

- The cost of flying out of villages to seek safe shelter and supportive services is often prohibitive
- It is difficult in villages to maintain confidentiality; “everyone knows who is coming in or out on planes; and everyone knows when a Trooper is called to a home”
- A permanent move from a village to a larger community is difficult and expensive
- Fatality reviews in domestic violence-related homicides are not available in rural/remote Alaska

There is also a lack of Batterers Intervention Programs in remote/bush regions of Alaska. In many cases, convicted batterers are ordered to attend and pay for anger management classes (NOTE: such classes are inconsistent with national research which shows that intimate partner violence results from power and control issues and not anger issues).

Historically in Alaska villages, communities and families were the “arbiters of accountability.” It was stated that the “imposition of the Western justice system has disrupted that,” and suggested that current justice reform efforts provide an opportunity to explore and re-empower local communities to re-assume their role in accountability. For some offenders, “being accountable to their own family and community can be more meaningful than revolving jail doors.” Restorative justice practices provide a strong foundation for such an accountability model, including healing circles and restorative community service that allows offenders to fulfill their community service obligations in ways that benefit their communities and/or victims (such as sex offenders in Bethel who provide salmon to the Tundra Women’s Coalition shelter).

Suggestions for promoting justice, healing and wellness for victims/survivors and bush communities include:

- Increase awareness that “Western ways are not tribal ways”
- Validation that residents “know their history, pain and traumatic experience”
- Broader use of village elders in supporting young people in the community, including those who have been victimized
- Create a system of “safe homes” in villages where victims can access safe shelter and support (there is currently a handful of “safe homes” in remote Alaska communities)
- Promote restorative justice practices and programs (that have strong roots in indigenous communities)
- Provide Tribal Courts with the authority to develop and impose unique sentences that are tailored to each case and community
- Develop Batterers Intervention Programs for remote communities that are evidence-based, culturally competent, and no-cost to clients
- Develop opportunities for offenders to perform restorative community service that benefits their communities and victims

Rape Kit Examinations

There is currently no capacity to conduct rape kit examinations in remote/bush villages, with Community Health Aides saying this is beyond the scope of their work. Adults and children who are sexually assaulted in these communities must travel to hub hospitals for exams which, in the aftermath of sexual assault, is highly traumatic and can contribute to the contamination of evidence (such as the victim's clothing). In addition, such travel may take days due to inclement weather or other factors unique to remote Alaska. The onsite provision of rape kit exams, with follow-up medical care at health facilities in larger communities offered to victims, would reduce unnecessary victim trauma and improve evidence in sexual assault cases. Community Health Aides and Public Health Nurses in Alaska villages can be trained to conduct basic rape kit examinations and preserve evidence for investigations and prosecutions.

Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.

Prevention and Bystander Intervention

One of the most significant budget cuts in Alaska is the \$2.7 million reduction in prevention programs and services. The *Alaska Safe Children's Act* which, among other activities, teaches students about dating violence and prevention, was signed into law in July 2015 with no appropriations for implementation. Alaska survivors spoke eloquently about how their chronic victimizations might have been prevented if someone who knew what was happening to them had said something, offered help or otherwise intervened. And participants from remote/bush regions indicated that prevention budget cuts have detrimentally affected their ability to teach children how to be sober and how to ask for help when they are victimized.

The "Green Dot" program (<http://greendotalaska.com/>) has been recently introduced in Alaska. Green Dot seeks to prepare "organizations and communities to implement a strategy of violence prevention that consistently, measurably reduces power-based personal violence" through "strategic planning, bystander mobilization, persuasive communication, coalition building, etc."

There is strong support among survivors and advocates for programs and services focused on crime prevention and bystander intervention, which ultimately can contribute to less crime and fewer victims.

Victims and the Criminal Justice System in Alaska

Pretrial Concerns

The speed at which pretrial hearings occur often precludes any meaningful involvement of victims, resulting in a lack of victim notification of pretrial proceedings and an opportunity to be heard. Despite the state constitutional right of Alaska victims to a speedy disposition, there are often ongoing continuances that result in cases taking years to reach a resolution.

Victim/survivor safety is the most salient concern during the pretrial phase. An alleged offender's conditions of release (which often include safety provisions) are not consistently tracked and enforced and not always available to law enforcement in the field (a pilot program in Fairbanks is seeking to address this concern).

When the victim is in a remote village, "more often than not the perpetrator will be released to the village" during the pretrial phase. While there are "no contact" orders most of the time, they are "unrealistic" and difficult to enforce in small communities, particularly those without a Village Public Safety Officer or other law enforcement presence.

Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.

Probation and Community Supervision

Conditions of probation and parole are "often not consistent," which makes it difficult to effectively supervise offenders and hold them accountable. It was noted that "electronic monitoring doesn't always seem to work," particularly when clients are on work release in the community. One participant asked, "What is the point of an ankle bracelet if they (the probationer) can go from Anchorage to the Mat-Su Valley?"

Many offenders are released from probation supervision without having fulfilled their conditions ordered by the court. In isolated villages, there may be disparate "layers" of offender supervision from the Western court, tribal structure and families of victims and offenders; it was noted that "victims don't always feel protected in these situations."

District Attorneys are often reliant on community agencies to inform them of probation violations. It was expressed that many District Attorneys lack resources to file PTRPs (petition to revoke probation) and there is too often "no real response" even if a PTRP is filed.

While Alaska victims have the right to be notified of and address the court during revocation hearings, they are seldom aware of or heard from during revocation proceedings.

The lack of probation in misdemeanor cases is a significant problem in Alaska, as the majority of domestic violence and DUI cases, as well as some property crimes, are misdemeanors. Options

for offender supervision that provide reasonable protection and safeguard other victims' rights should be expanded.

Prisons

Concerns were expressed about prisons' lack of ability to effectively diagnose Fetal Alcohol Syndrome Disorder and the lack of effective services for inmates with FASD.

The many prisoners with mental health challenges and the lack of providers to serve inmates with substance abuse and other mental health problems were also of concern. When an offender is deemed incompetent with charges dismissed and released to the community, there is a "lack of safety for victims as well as the perpetrators."

At the Fairbanks Roundtable, there was consensus that no-contact orders are not consistently enforced by the Department of Corrections (DOC). Some victims report unwanted contact from inmates; the DOC does not track three-way calling that can result in unwanted contact; and victims with no-contact orders are sometimes allowed to visit their offender in prison. The lack of consistency in monitoring inmate telephone calls can also contribute to victim/witness intimidation.

Victims are not always notified by the DOC when an inmate is moved to a halfway house or put on electronic monitoring in the community and this "can be very terrifying" for victims. If victims are unaware of the DOC's Victim Information and Notification Everyday (VINE) program or have not kept their contact information up-to-date, they do not receive notification of the status and/or release of their offender.

The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.

Parole and Reentry

The Parole Board has the capacity to require and enforce conditions of supervision that are often stronger than those provided by courts, including conditions related to victim safety. Effective parole supervision is dependent on the parole officer and his/her training; when the offender is viewed as the only "client," it can pose difficulty for victims who are advocating for their rights, including reasonable protection and safety. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.

Gaps in Victim Services

Law Enforcement and Domestic Violence

While dual arrests in domestic violence cases are not a big problem, there is “sometimes a lack of training on how to determine who the primary physical aggressor is” that can lead to the arrest of the wrong person. A “huge number” of Alaska Native women are being arrested on domestic violence charges in Anchorage; they often plead guilty so they can return home and protect their children, resulting in collateral consequences that can affect their ability to find jobs and housing. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.

Concerns were also expressed about domestic violence victims who don’t report crimes because they don’t want the perpetrator to be arrested.

Training on Victims’ Rights and Victim Sensitivity

While there is training provided to some Alaska justice professionals about victims’ rights and victim sensitivity, it is not consistent across the state. In addition, one victim advocate noted that “it’s not only training that’s important, but also the *willingness* to be sensitive to victims’ concerns and needs.”

Collectively, Roundtable participants and interviewees strongly support training for law enforcement, prosecutors, judges, and community/institutional corrections professionals about victims’ rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.

Services for Child Victims

There was strong consensus about the lack of services for Alaska children who are victims of and witnesses to crime. Very few shelters have services for children, despite the fact that 44 percent of shelter residents statewide are children. The generational impact of trauma on children is a significant issue, with concerns expressed that this can lead to the creation of new perpetrators and victims. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.

Language Access

The lack of language accessibility in Alaska’s justice system, victim assistance and social service programs is a “huge problem for immigrant and indigenous communities.” One in five children in Anchorage is an English Language Learner (ELL). While Alaska’s court system is working to improve language accessibility, criminal justice system documents (including those specific to

victims' rights, safety and services) lack language access. In addition, there is no emergency telephone number in any language other than English. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.

Other Issues

There is a significant lack of resources for Alaska crime victims other than survivors of domestic violence and sexual assault, i.e., victims of homicide, serious assault, robbery, child abuse, drunk driving, trafficking and property crimes.

Concerns were expressed about how the Victims of Crime Compensation Board determines who has access to victim funds. Many marginalized victims have been denied access to these funds due to behavior that the Board didn't like, or because they received funds for a prior victimization.

There is a significant need for expert witnesses who can testify on behalf of the prosecution in criminal cases (currently, lack of funding is the main barrier to greater use of expert witnesses).

Campuses of higher education in Alaska need to develop the infrastructure to support Title IX compliance with Federal law (this work is currently underway, and Pew Consultant Anne Seymour is following-up on this issue with referrals and resources).

Fairbanks Roundtable Participants

Gail Brimner, DOC Victim Services Unit
Robin Bronen, Alaska Institute for Justice
John Coghill, Alaska State Senate and Commission Member
Ruth Cresenzo, National Guard Special Victims Counsel
Pat Fox, MADD
Mary Beth Gagnon, Council on Domestic Violence and Sexual Assault
Mary Geddes, Alaska Criminal Justice Commission
Lonzo Henderson, DOC Division of Parole
Kate Hudson, Violent Crimes Compensation Board
Robyn Langlie, Victims for Justice
Teresa Lowe, YKHC
Gregg Olson, Fairbanks District Attorney
Keeley Olson, S.T.A.R.
Sarah Possenti, Alaska Parole Board
Heather Shaddock, Office of Senator Pete Kelly
Brenda Stanfill, Interior Alaska Center for Nonviolent Living and Commission Member
Octavia Thompson, Alaska National Guard Sexual Assault Prevention and Response
Taylor Winston, Office of Victims' Rights

Bethel Roundtable Participants

Eileen Arnold, Tundra Women's Coalition
Augusta Askeak, Tundra Women's Coalition
Gail Brimner, DOC Victim Services Unit
Marilyn Casteel, Safe and Fear-free Environment
Ray Daw, YKHC
Michelle DeWitt, BCSF
Liz Dillon, Elder
Michael Gray, District Attorney
Elizabeth Sunnyboy, Elder
Julene Webber, Adult Probation
Freda Westman, Alaska DPS - CDVSA

RECOMMENDATION TO THE COMMISSION
FROM THE SENTENCING ALTERNATIVES WORKGROUP

Amend AS 12.55.055, the Community Work Service (CWS) statute to convert unperformed CWS to a fine and eliminate the option of conversion of unperformed Community Work Service to jail.

SUMMARY

The Sentencing Alternatives Workgroup proposes changes to AS 12.55.055, the Community Work Service (CWS) statute. The Workgroup proposes that: (1) the value of CWS be tied to the State's minimum wage so further adjustments are not required; (2) any sentencing court imposing CWS hours also set a future hearing as a deadline to determine if the hours have been performed; and (3) any CWS hours which are not performed by the time of that hearing be converted to a fine (at the minimum wage rate) and not converted to jail time.

The proposal would accomplish savings of jail days, prosecutor, state funded defense, law enforcement, judicial and court staff time required to process petitions to revoke probation for CWS violations.

CURRENT LAW AND PROBLEM POSED

AS 12.55.055 now reads in pertinent part:

(c) The court may offer a defendant convicted of an offense the option of performing community work in lieu of a fine, surcharge, or portion of a fine or surcharge if the court finds the defendant is unable to pay the fine. The value of community work in lieu of a fine is \$3 per hour.

(d) The court may offer a defendant convicted of an offense the option of performing community work in lieu of a sentence of imprisonment. Substitution of community work shall be at a rate of eight hours for each day of imprisonment. A court may not offer substitution of community work for any mandatory minimum period of imprisonment or for any period within the presumptive range of imprisonment for the offense.

The CWS statute was likely intended to judges to offer a defendant the opportunity to perform CWS in lieu of jail, rather than ordering CWS and then converting to jail if not performed.

The way the statute is currently used, however, has led to the filing of **494 misdemeanor petitions to revoke probation in FY 14** (data supplied by the Alaska Court System) for failure to comply with the CWS requirement of a judgment. Each of these petitions require the prosecutor to prepare a formal petition and file it with the court. The court then reviews it, issues either a summons or a warrant for the defendant to appear in court, each of which require law enforcement to serve these on the defendant. Once the defendant appears in court, s/he is entitled to appointment of counsel, if indigent, a court hearing and court response.

In many of these cases, the court converts unperformed CWS hours into jail. This is so because a very high percentage of cases processed by the court are Driving While License Suspended (DWLS) cases. In FY 14 there were **1,950 Motor Vehicle cases filed, most of which are DWLS cases** filed in Anchorage. *Alaska Court System Annual Report FY 2014 page 132.*

A mandatory condition of probation for the first DWLS offense requires that the defendant complete 80 hours of CWS. AS 28.15.291 (A) and (C). Further, the case of State v. Fogg, 995 P2d 675 (Alaska App. 2000), requires conversion of these hours to jail which, at the current statutory rate, requires each defendant to serve **ten days of jail in lieu of the 80 hours mandatory CWS.**

SOLUTION

The Workgroup proposes that the CJC recommend that the legislature amend AS 12.55.055 as follows. Changes are shown in bold type.

Sec. 12.55.055. Community work. (a) The court may order a defendant convicted of an offense to perform community work in addition to any term of imprisonment, fine or restitution ordered. If the defendant is sentenced to imprisonment, the court may recommend to the Department of Corrections that the defendant perform community work.

(b) Community work includes work on projects designed to reduce or eliminate environmental damage, protect the public health, or improve public lands, forests, parks, roads, highways, facilities, or education. Community work may not confer a private benefit on a person except as may be incidental to the public benefit.

(c) The court may offer a defendant convicted of an offense the option of performing community work in lieu of a fine, surcharge, or portion of a fine or surcharge if the court finds the defendant is unable to pay the fine. The value of community work in lieu of a fine is the State of Alaska's minimum wage [~~\$3~~] per hour.

(d) When a defendant has failed to perform community work in lieu of a fine, surcharge, or portion of a fine or surcharge as ordered, the court will send a notice to the defendant that the due date for demonstrating proof of community work has passed. If no request for hearing or proof of community work is filed with the court within 20 days of the date of the notice, the court shall convert those community work hours to a fine at the rate of Alaska's minimum wage per hour and issue a judgment against the defendant. The court shall not convert community work hours, even those mandated to be imposed by law, into a sentence of imprisonment.

(e) [re-lettered "d"] The court may offer a defendant convicted of an offense the option of performing community work in lieu of days of imprisonment. Substitution of community work shall be at a rate of eight hours for each day of imprisonment. A court may not offer substitution of community work for any mandatory minimum period of imprisonment or for any period within the presumptive range of imprisonment for the offense. **At the time of sentencing, the court shall schedule a future hearing by which date the defendant shall either have performed the community work in lieu of days of imprisonment or be required to serve the days of imprisonment ordered.**

(f) Medical benefits for an individual injured while performing community work at the direction of the state shall be assumed by the state to the extent not covered by collateral sources. When the state pays medical benefits under this subsection, a claim for medical expenses by the injured individual against a third party is subrogated to the state.

PROJECTED IMPACTS

The impacts projected are the savings of jail days, prosecutor, state funded defense, law enforcement, judicial and court staff time required to process petitions to revoke probation for CWS violations.

The court system would experience a reallocation of resources as it would be required to send notices of non-compliance out and issue judgments in these cases. This is much as it does now in Suspended Imposition of Sentence cases where non-compliances have occurred. However, the reallocation would be from judges, in courts and staff to staff only and would result in less work than issuing the summonses and bench warrants required to hail defendants to court and conducting 498 hearings per year.

RECOMMENDATION TO THE ALASKA STATE LEGISLATURE BY
THE ALASKA CRIMINAL JUSTICE COMMISSION
No. 5-2015, Approved, October 15, 2015

The Alaska Criminal Justice Commission recommends that the Legislature amend AS 12.55.085 ("Suspended Imposition of Sentence"), AS 12.55.086 ("Imprisonment as a Condition of Suspended imposition of Sentence") and AS 33.05.080 ("Definitions") as described and for reasons given below. The proposed statutory language follows on pages 3-6.

- The conviction "set-aside" mechanism was intended to provide a clean slate for those who succeeded on probation after receiving a suspended imposition of sentence (SIS).ⁱ However, the "set-aside" mechanism has had limited beneficial effect. This is because
 - Due to lack of legislative history and binding principles of statutory construction, the Alaska courts had to assume that, unlike other states, the Legislature wanted the SIS/set aside to have only limited effect.ⁱⁱ Therefore even after the conviction "set-aside," the public record showing conviction remains.ⁱⁱⁱ
 - Research shows a "pernicious effect" from such records, e.g. an offender's ability to obtain meaningful employment is negatively impacted.^{iv} Unemployment^v and lack of stable housing^{vi} are criminogenic factors, increasing the risk of future recidivism.
 - The record of a past adjudication or conviction may also categorically disqualify an ex-offender from many job opportunities, contracts, housing and other forms of assistance.^{vii}
 - Also, judicial interpretation has also narrowed the class of offenders who may be considered for SIS.^{viii} As too many non-violent offenders and substance abusers are taking up costly prison beds, community-based supervision and treatment has been shown to be more effective than incarceration in reducing recidivism for some types of offenders, and incentives for good conduct motivate many offenders, a broader grant of judicial discretion is appropriate.
- The statutes as now written:
 - Permit a court to delay sentencing so as to impose court supervision and probation, and
 - Permits the court "set-aside" the conviction if conditions of probation were satisfied within the time set.
- The recommended amendments would:
 - Permit a court to delay adjudication and conviction so as to impose "pre-conviction" probation during that period of delay, and
 - Permits the court to dismiss ("dismissed-diverted without conviction") the case if the conditions of probation were satisfied within the time set.
 - Allows the use of the SIC mechanism in "any" case (not just for particularly deserving first-offenders) as long as the offense involved is not categorically precluded by existing exclusions
 - Also change the maximum probation terms allowed
 - For a felony, up to 5 years (instead of "maximum term")
 - For a misdemeanor, 2 years (instead of "1 year")
 - Remove references to fees which can not be lawfully imposed
 - Require courts to make written findings if the defendant had ever previously received an SIC
- Notably, no changes are proposed for
 - the procedural predicate, i.e. a defendant's plea of guilt/no contest or a guilty verdict
 - the offenses which are now categorically excluded
 - the substantive predicate, i.e. that there are circumstances in mitigation of punishment or that the ends of justice will be served which allow the court to provide the SIS/SIC
 - the statute which allows for the imposition of jail time as a condition of probation

Additional Comment by the Commission:

The Commission did not achieve consensus among its members as to whether it should include in its recommendation a Workgroup proposal for a statutory provision providing retroactive relief. The Workgroup proposal limited relief to that class of individuals who had received an SIS and conviction “set-aside” and whose request would be unopposed by the prosecutor. A number of Commissioners favored the Workgroup proposal for such relief.^{ix} Opposition to retroactive relief cited the potential for new administrative burdens and Law and Court fiscal impacts.

Date: October 15, 2105

The Alaska Criminal Commission :

Gregory Razo, Chair
Alexander O. Bryner
John Coghill (non-voting)
Gary Folger
Jeff Jessee
Wes Keller (non-voting)
Stephanie Rhoades
Craig Richards
Kris Sell
Brenda Stanfill
Quinlan Steiner
Trevor Stevens
Ronald Taylor

ⁱ See, e.g., *Mekiana v. State*, 707 P.2d 918, 921 (Alaska App.1985), rev'd on other grounds, 726 P.2d 189 (Alaska 1986).

ⁱⁱ *Journey v. State*, 895 P.2d 955, 958-959 (Alaska 1995).

ⁱⁱⁱ *Doe v. State*, 92 P.3d 398, 407 (Alaska 2004).

^{iv} *Journey v. State*, 895 P.2d 955, 958-959 (Alaska 1995).

^v See e.g. [Crime and Unemployment: What's the Link? March 2009 Fact Sheet.](#)

^{vi} [Council of State Governments, various sources.](#)

^{vii} See, e.g., *State v. Platt*, Case S-1273, Opinion 6182 (Alaska, Oct. 26, 2007)(not reported)

^{viii} See e.g. *State v. Huletz*, 838 P.2d 1257, 1259 (Alaska App. 1992) (“By its very nature... a suspended imposition of sentence is primarily meant to be a one-time opportunity for particularly deserving first-offenders.”).

^{ix} The Workgroup proposal included the following provision for limited retroactive relief.

**Section 3. The uncodified law of the State of Alaska is amended by adding a new section to read:*

APPLICABILITY. (a) Except as stated in (b) of this section, the new provisions of this Act applies to offenses committed before, on, or after its effective date if a plea of guilty or nolo contendere or a guilty verdict is entered on or after the effective date of this Act. This Act takes effect on July 1, 2016.

(b) An individual found guilty prior to the effective date of this act, whose case was discharged without imposition of sentence and whose conviction was set-aside under the former AS 12. 55.085(e), may request the court for the relief available under current law. The court may grant such relief only if the request for such relief is unopposed by the prosecutor. That charge(s) shall be treated as “dismissed-diverted without conviction” in accordance with the AS 12.55.085 (h)(1)-(3).

A BILL
FOR AN ACT ENTITLED

1 “An act relating to a suspended imposition of conviction and providing for an effective date.”

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

3 *Section 1. AS 12.55.085 is amended to read

4 **Sec. 12.55.085. Suspending imposition of conviction [SENTENCE].**

5
6 (a) Except as provided in (f) of this section, if it appears **in any case** that there are circumstances
7 in mitigation of [THE] punishment, or that the ends of justice will be served, the court may, in its
8 discretion, suspend the imposition of **conviction** [SENTENCE AND MAY DIRECT THAT THE
9 SUSPENSION CONTINUE] for a period of time **not to exceed two years for a misdemeanor**
10 **and five years for a felony** [NOT EXCEEDING THE MAXIMUM TERM OF SENTENCE
11 THAT MAY BE IMPOSED OR A PERIOD OF ONE YEAR, WHICHEVER IS GREATER.] and
12 upon the terms and conditions that the court determines **in accordance with paragraphs (b) and**
13 **(c) of this section.** [AND SHALL PLACE THE PERSON ON PROBATION UNDER THE
14 CHARGE AND SUPERVISION OF THE PROBATION OFFICER OF THE COURT DURING
15 THE SUSPENSION.

16
17 **(b) The court shall**

18 **(1) place the person on probation in accordance with AS 33.05.020(a), and as defined**
19 **in AS 33.05.080(3), with only those conditions that are necessary to address public**
20 **safety, promote the rehabilitation of the person, reduce the likelihood of his or her**
21 **recidivism, and provide restitution to the victim; and**

22 **(2) order the defendant to comply with release conditions as authorized under AS**
23 **12.30.011(a)(1)-(4), AS 12.30.016 and AS 12.30.027.**

24
25 **(c) The court may order the defendant to pay costs associated with participation in court**
26 **ordered treatment programs during the period of pre-conviction probation.**

27
28 **(d)[(b)] At any time during the pre-conviction probationary term [OF THE PERSON RELEASED**
29 **ON PROBATION], a probation officer may, without warrant or other process, rearrest the**
30 **defendant [PERSON] so placed in the officer's care and bring the defendant [PERSON] before the**
31 **court, or the court may, in its discretion, issue a warrant for the rearrest of the defendant [person].**

1 (e) The court may, at any time, revoke and terminate pre-conviction probation, convict, and
2 pronounce sentence subject to the limitation specified in AS 12.55.086(c), if the court finds
3 by a preponderance of the evidence that the defendant

4 (1) failed to complete the conditions of the suspended imposition of conviction within
5 the time specified;

6 (2) violated the conditions of the suspended imposition of conviction;

7 (3) has not substantially complied with all conditions during the period of pre-
8 conviction probation, or

9 (4) engaged in criminal practices.

10 [(b)THE COURT MAY REVOKE AND TERMINATE THE PROBATION IF THE INTERESTS
11 OF JUSTICE REQUIRE, AND IF THE COURT, IN ITS JUDGMENT, HAS REASON TO
12 BELIEVE THAT THE PERSON PLACED ON PROBATION IS

13 (1) VIOLATING THE CONDITIONS OF PROBATION;

14 (2) ENGAGING IN CRIMINAL PRACTICES; OR

15 (3) VIOLATING AN ORDER OF THE COURT TO PARTICIPATE
16 IN OR COMPLY WITH THE TREATMENT PLAN OF A
17 REHABILITATION PROGRAM UNDER AS 12.55.015(A)(10).

18 (c) UPON REVOCATION AND TERMINATION OF THE PROBATION, THE COURT MAY
19 PRONOUNCE SENTENCE AT ANY TIME WITHIN THE MAXIMUM PROBATION PERIOD
20 AUTHORIZED BY THIS SECTION, SUBJECT TO THE LIMITATION SPECIFIED IN AS
21 12.55.086(c)]

22 (f) [(d)] The court may, at any time during the period of pre-conviction probation, [REVOKE OR]
23 modify its order [of] suspending [sion of] the imposition of conviction [SENTENCE]. It may at
24 any time, when the ends of justice will be served, and when the good conduct and reform of the
25 person held on pre-conviction probation warrant it, terminate the period of pre-conviction
26 probation and discharge the defendant [person] held. If the court has not revoked the order of
27 pre-conviction probation, [AND PRONOUNCED SENTENCE], the defendant shall, at the end
28 of the term of probation, be discharged by the court. [(e) UPON THE DISCHARGE BY
29 THE COURT WITHOUT IMPOSITION OF SENTENCE, THE COURT MAY SET ASIDE THE
30 CONVICTION AND ISSUE TO THE PERSON A CERTIFICATE TO THAT EFFECT.]

31
32 (g)[(f)] The court may not suspend the imposition of conviction if [SENTENCE OF A PERSON
33 WHO]

34 (1) the present charge is [CONVICTED OF] a violation of AS 11.41.100 - 11.41.220,
35 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.530, AS 11.46.400, AS 11.61.125
36 - 11.61.128, or AS 11.66.110 - 11.66.135;

37 (2) the defendant used [used] a firearm in the commission of the present charge [THE
38 CHARGE FOR WHICH THE PERSON IS CONVICTED];

1 (3) **the present charge** is [CONVICTED OF] a violation of AS 11.41.230 - 11.41.250 or
2 a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41
3 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to
4 an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of
5 this paragraph, a person shall be considered to have a prior conviction even if that conviction has
6 been set aside under **former AS 12.55.085 (e)** or under the equivalent provision of the laws of
7 another jurisdiction; or if

8 **(4) the defendant has been previously placed on pre-conviction probation under this**
9 **section unless the court makes written findings that there are specific circumstances in**
10 **mitigation and that the ends of justice will be served by an order under this section.**

11
12 **(h) Upon discharge by the court under (f) of this section,**

13 **(1) the charges against the person shall be listed as "dismissed-diverted**
14 **without conviction" and shall not constitute a criminal conviction and the court shall**
15 **issue to the person a certificate to that effect;**

16 **(2) the person shall not be required to list this disposition on any application**
17 **for employment, licensure, or otherwise unless required to do so by federal law;**

18 **(3) court records of the suspended imposition of conviction shall not be**
19 **introduced as evidence in any court in a civil, criminal, or other matter without the**
20 **consent of the person or an order of the court.**

21
22 *Sec. 2. Sec. 12.55.086 is amended to read:

23 **AS 12.55.086 Imprisonment as a condition of suspended imposition of conviction**
24 **[SENTENCE].**

25 (a) When the imposition of **conviction** [SENTENCE] is suspended under AS 12.55.085, the court
26 may require, as a special condition of **pre-conviction** probation, that the defendant serve a definite
27 term of continuous or periodic imprisonment, not to exceed the maximum term of imprisonment
28 that could have been imposed. [THE COURT MAY RECOMMEND THAT THE DEFENDANT
29 SERVE ALL OR PART OF THE TERM IN A CORRECTIONAL RESTITUTION CENTER.]

30 (b) A defendant imprisoned under this section is entitled to a deduction from the term of
31 imprisonment for good conduct under AS 33.20.010. Unless otherwise specified in the order of
32 suspension of imposition of **conviction** [SENTENCE], a defendant imprisoned under this section
33 is eligible for parole if the term of imprisonment exceeds one year and is eligible for any work
34 furlough, rehabilitation furlough, or similar program available to other state prisoners.

35 (c) If **pre-conviction** probation is revoked and the defendant is **convicted and** sentenced to
36 imprisonment, the defendant shall receive credit for time served under this section. Deductions
37 for good conduct under AS 33.20.010 do not constitute "time served."

1 ***Section 3.** The uncodified law of the State of Alaska is amended by adding a new section to read:

2 APPLICABILITY. The new provisions of this Act applies to offenses committed before,
3 on, or after its effective date if a plea of guilty or nolo contendere or a guilty verdict is entered on
4 or after the effective date of this Act. This Act takes effect on July 1, 2016.

5 ***Section 4.** The uncodified law of the State of Alaska is amended by adding a new subsection (3)
6 to Sec. 35.05.080 (“Definitions”).

7 (3) “pre-conviction probation,” as authorized under AS 12.55.085, is a diversion procedure under
8 which the trial court may release a defendant subject to conditions imposed by the court and subject
9 to the supervision of the probation service as provided in this chapter. Pre-conviction probation is
10 permitted for the period during which the trial court has deferred the entry of a conviction.

March 22, 2016

Written Testimony for HB 205 (version 29-LS0896\H work draft)
Prepared for the House Judiciary Committee
by Katherine J. Hansen, Acting Director, Office of Victims' Rights

The Alaska Office of Victims' Rights (OVR) submits this written feedback to the House Judiciary Committee as it considers HB 205. The OVR has worked extensively with the Senator Coghill as the companion bill, SB 91, has made its way through the Senate State Affairs and Senate Judiciary Committees. OVR has a staff of bar-certified attorneys who have practiced criminal law as both former prosecutors and as victims' rights attorneys. OVR has carefully reviewed the work draft of HB 205, version 29-LS0896, to recommend changes to the committee that, in OVR's view, should be made to prevent public safety or victims' rights problems in the application of the bill while still preserving the intent of the sentencing commission to the extent feasible. For efficiency and ease of discussion, OVR has compiled this written list of recommendations for specific changes.

Section 22 –

Page 12; This section was removed from SB 91 (version 29-LS0541\I) and OVR recommends that it be removed from HB 205 as well so that Failure to Appear remains a misdemeanor crime.

Sections 33 – 39 –

Pages 14 – 21; OVR does not support the reductions in penalties for drug offenses proposed in these sections. Alaska, along with the rest of the nation, is in the midst of a heroin epidemic with corresponding increases in crime, child neglect, and deaths from overdose. For recent articles in the media, see <http://www.adn.com/article/20160213/dramatic-spike-foster-children-overwhelming-state-agencies> and <http://www.adn.com/article/20150714/public-health-officials-find-steep-rise-alaska-heroin-deaths-overdoses> (last accessed March 14, 2016). Despite dramatic increases in child neglect and crime associated with heroin, the effect of these sections, by reducing penalties, would be to limit the court's ability to require those possessing heroin and other hard drugs to obtain treatment. Many innocent people in our community are victimized by burglaries and thefts by drug addicts. Under these sections, possession of heroin and other drugs would be reduced to a misdemeanor and the most likely sentence would be a few days in jail, if any. There would be no way to mandate a defendant to complete treatment when a misdemeanor defendant is not supervised by a probation officer. The community would have to wait for the addiction and addiction-related crime to escalate. Additionally, those *dealing* heroin would receive no jail if caught unless they are dealing more than 2.5 grams which is about 25 doses.

The bill also reduces the penalty for those manufacturing methamphetamine. It was only a few years ago that Alaska was in the midst of a serious methamphetamine problem. Under these sections, someone who runs a methamphetamine lab in a residential neighborhood would be sentenced from zero to two years in jail. Significantly reducing the penalty for *dealing* heroin and *manufacturing* methamphetamine will not aid in combatting this epidemic.

The proposed changes to drug offenses in SB 91 curtail existing efforts to stem the tide of overdoses, property crime, and child neglect associated with drug abuse in Alaska. OVR's experience with victims of crime committed by drug addicts is that victims *do not* support legislative efforts to decriminalize and minimize penalties for drug related offenses.

Section 42 –

Page 22, lines 18, substitute “may” for “shall” and line 22, substitute “should presumptively” for “shall” to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; the victim is entitled to a meaningful opportunity to be heard at all bail hearings, otherwise the provision is an unconstitutional violation of the Alaska Constitution, Article I, § 24.**

Section 51 –

Page 25, line 22, substitute “should presumptively” for “shall” to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; the victim is entitled to a meaningful opportunity to be heard at all bail hearings, otherwise the provision is an unconstitutional violation of the Alaska Constitution, Article I, § 24.**

Section 52 –

Page 30, line 1, substitute “should presumptively” for “shall” to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; the victim is entitled to a meaningful opportunity to be heard at all bail hearings, otherwise the provision is an unconstitutional violation of the Alaska Constitution, Article I, § 24.**

OVR recommends that the list of crimes developed as exceptions in this section by the Senate State Affairs Committee for SB 91 be retained. Additionally, OVR recommends additional crimes be added, including “sex offenses defined by AS 12.63.100(a)(6),” “AS 11.46.360” to include C felony vehicle theft, “AS 28.35.182” to include C felony eluding to the list of exceptions for crimes that the judge has discretion to set appropriate, additional bail release conditions.

Page 31, line 20, to end of sentence add “and may impose additional conditions of release, including requiring supervision of those conditions of release by a pretrial services officer to ensure compliance with the conditions of release, if the conditions are the least restrictive conditions that will reasonably ensure the appearance of the person in court and the safety of the victim and the community.” OVR believes this change is necessary so that judges retain ultimate discretion to set appropriate bail conditions.

Adding these crimes to the enumerated list would permit a judicial officer to consider additional bail options as appropriate. These recommended changes fall in line with changes made by the bill sponsor in the Senate State Affairs Committee to ensure victim and community safety for certain classes of offenders who might need to be arrested and/or have more stringent bail release conditions than other types of offenders.

Section 58 –

Page 34, line 19, substitute “should presumptively” for “shall” to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; it is unconstitutional to release a criminal defendant from jail without prior victim notice and an opportunity to be heard per the Alaska Constitution, Article I, § 24.** This mandatory release provision also presents practical problems. Defendants, released after serving maximum potential jail time, will have no incentive to admit the violations; the prosecutors may not have the additional resources needed to litigate all probation violation charges. If the charges are dismissed for lack of resources, the defendants will have time served as a “get out of jail free” pass for the next probation violation. This provision, then, may actually provide incentive for offenders who would repeatedly violate their probation. It may also “socialize” the offenders to intentionally violate probation, anticipating short jail sentences at state expense during which the offender could bring in contraband to other prison inmates.

Add a new section after section 58, page 4 –

OVR requests that a “truth-in-sentencing” amendment passed in the Senate State Affairs Committee for SB 91 also be added to HB 205. The amendment would allow victims at sentencing to be given written information by the sentencing judge as to how an offender’s sentence may be reduced under the various provisions proposed in this bill and in existing law. The victims may disagree with the sentence and potential post-sentence reductions, but at least they would have written information that explains the process and the potential changes rather than being surprised and feeling betrayed by the system at some future date. The advance notice provides a victim with time to make a safety plan, make other life decisions, and have confidence about whether and when an offender will be released from jail.

Section 61 –

Page 38, line 13

OVR recommends that the added language “of not more than 120 days” should remain in the bill. There was some discussion by House Judiciary Committee members about why this phrase appears in the proposed bill and whether it should be retained. OVR worked with the bill sponsor to request the 120-day cap. A criminally negligent homicide in Fairbanks, committed by Eddie Ahyakak, brought this concern to OVR’s attention. Ahyakak killed another driver while under the influence of prescription drugs. He was summonsed to court and released on his own recognizance. At his change of plea hearing for B felony criminally negligent homicide, he requested his bail be *increased* to a private electronic monitor to he “could start serving his sentence.” But there is no guarantee that DOC will approve his application for electronic monitoring after he is sentenced. A similar DOC electronic monitoring application was denied recently in Anchorage in the Alexandra Ellis case, who killed Jeff Dusenbury, and has garnered much media and community attention. See <http://www.adn.com/article/20160317/ellis-gets-8-months-credit-toward-sentence-hit-and-run-killing-cyclist> The 120-day cap is requested to solve several problems. It prevents defendants from being able to “pre-serve” all their time on an electronic monitor and circumvent DOC’s application process and classification decision as to

whether to allow a prisoner to serve their sentence on an electronic monitor after considering factors listed in AS 33.30.065. It prevents defendants from gaming the system by requesting pretrial delays long enough to ensure that offenders can serve their entire sentence on a pretrial electronic monitor; the 120-day time limit would ensure offenders can receive pretrial electronic monitoring credit and have the full 120-day “speedy trial” time to prepare for trial. Offenders are still eligible for electronic monitoring credit post-sentencing when approved by DOC, so the proposal does not prevent any offenders from serving a sentence on an electronic monitor when appropriate. There is also a real concern that persons with means could premeditate and intentionally commit a heinous crime, like murder, get caught, claim a lesser homicide crime through a high-priced defense attorney, pay for a private pretrial electronic monitor, and delay the case for years knowing they won’t have to go to jail (think drug dealers, someone who wants their spouse killed for the insurance money and commits murder but makes it look like an accident, “hunting accidents,” murder for hire, etc.). Representative Tammie Wilson’s bill last session, while a cost-saving measure, has a loophole that needs to be closed. The defense bar may argue that it might cost the state money to include the cap, because it might result in DOC paying more for post-sentencing electronic monitoring. However, OVR believes the state will actually save more money when defendants decide not to delay their cases knowing they can’t receive any additional electronic monitoring credit beyond 120 days. Defendants would be motivated to resolve the cases sooner. The 120-day cap is an important public safeguard to preserve the intent and integrity of Representative Tammie Wilson’s bill.

OVR also recommends the committee consider changing this section to add exceptions to an offender’s eligibility for pretrial electronic monitoring credit for jail time when the offender has committed a crime that results in the death of another or for other specified classes of the most serious offenders that the legislature deems appropriate. When an offender is permitted to serve jail time on an electronic monitor, there is a public safety concern because the offender is integrated into the community rather than housed in a traditional jail. Currently, there is no mechanism for the public to have notice of whether or where offenders are serving jail time within their community. And it is OVR’s understanding that DOC’s current electronic monitoring equipment does not track its offenders in real time. When offenders on DOC electronic monitors leave their residences, whether authorized or unauthorized, the offenders must return to their residence and their electronic monitors must reconnect to a modem before information about the offenders whereabouts is downloaded and stored. This is a potentially dangerous situation and high level offenders may not be a suitable for this arrangement. Finally, electronic monitoring does not address the punishment and community condemnation aspect of a criminal sentence, which is a critical piece of criminal justice for offenders who cause the death of another or commit the most serious crimes. In an ordered society, crime victims, who are the reason the justice system was created, and did not choose to become crime victims, must feel that justice has been done.

Section 69 –

Page 40; OVR recommends the legislature adopt the SB 91 version of this section to provide for longer probation periods (10 years for unclassified felonies under AS 11.41 and sex felonies, 5 years for all other felonies, four years for misdemeanor domestic violence crimes, 2

years for DUI/refusals, and 1 year for other misdemeanor crimes) to promote public safety by allowing for longer probation periods to be utilized when appropriate.

Section 74 –

Page 43, line 16, after “impose a sentence of imprisonment” add a period. Then add, “The presumptively appropriate term of imprisonment for a technical violation is a sentence of imprisonment” of not more than; this change is needed to ensure constitutionality under Alaska Constitution, Article I, § 24.**

Page 43, line 26 after “period of imprisonment” add a period and insert “The presumptively appropriate term of imprisonment should” not exceed 30 days; this change is needed to ensure constitutionality under Alaska Constitution, Article I, § 24.**

Page 44, line 18, amend the definition of “technical violation” to be a definition of inclusion, for example, technical violation means 1) failure to report to probation, 2) failure to submit to a required drug test, 3) positive drug test, etc. This eliminates the possibility that factual situations not intended to be treated as “technical violations” will slip through the crack to the detriment of the crime victim and the public. This definition of inclusion will cover the vast majority of probation violations and carry out the intent of the sentencing commission while still protecting victim and public safety.

Sections 76 – 78 --

OVR does not support sections 76 – 78 which reduce felony presumptive prison terms. The presumptive terms for sentences currently in effect in these sentencing statutes should remain unchanged. A judicial council report, anticipated to be released soon but not yet available for distribution, shows that most offenders are currently sentenced at or below the presumptive ranges currently in place. The legislature should reserve decision on these sections until the judicial council report can be considered. Additionally, the sentencing goals of offender rehabilitation should not be given focus to the exclusion of all other sentencing goals including community condemnation and reaffirmation of societal norms. The sentences that reduce felony sentences to zero when the crimes cause the death of another are especially troubling.

Section 79 –

Page 47, line 30, suggest adding a new section (D) that adds a non-*Blakely* aggravator (does not require a jury trial verdict to make the finding) modeled after felony aggravator AS 12.55.155(c)(31) so that a misdemeanor offense is automatically considered aggravated for offenders who have five or more prior misdemeanor convictions on their record.

Add a new section after Section 82, page 50 –

Add back in Section 74 of SB 91 that ensures that defendants granted a suspended entry of judgment will have their cases appear on Courtview since their case is still active.

Section 99 –

Page 61, line 13 after “Department of Public Safety” add “Alaska Office of Victims’ Rights.” If the Pretrial Services Program is implemented, a main function will be to develop recommendations for and monitor bail release of criminal defendants. Victims have constitutional and statutory rights in connection with offender bail release and victim safety is an important consideration. OVR should be included in the process to develop these recommendations because a major function of OVR is to ensure that crime victims’ legal rights under Alaska law and procedure are not denied in connection with an offender’s bail release. Currently, OVR serves on several committees designed to improve the criminal justice system including the statewide criminal justice working group, the statewide criminal rules committee, the Anchorage domestic violence fatality review team, and the Anchorage domestic violence caucus.

The OVR also has general concerns, probably best reserved for the House Finance Committee, whether the cost to add the pretrial service program employees is a justified reinvestment expense or whether the goals to be accomplished by a pretrial services program could be implemented in other less costly ways.

Section 104 –

page 65, line 15, substitute “should presumptively” for “shall” to change the mandate to a legal presumption that release is appropriate without completely removing discretion not to release; the victim is entitled to a meaningful opportunity to be heard at all proceedings at which the offender’s release from custody is considered, otherwise the provision is an unconstitutional violation of the Alaska Constitution, Article I, § 24.**

Section 106 –

Page 66, line 30, change “AS 12.55.125(i)(1)(C)-(F)” to “AS 12.55.125(i)”; page 67, line 4, change “AS 12.55.125(i)(1)(C)-(F)” to “AS 12.55.125(i).” This would exclude all sex offenders from eligibility for discretionary parole and fall in line with other changes by the bill sponsor to ensure victim and public safety by continuing to protect the public from sex offenders. Sex offenders would still separately be eligible to earn good time credit under proposed section 128 amending AS 33.20.010 for good behavior and after completing the treatment requirements of their prisoner case plan.

Section 111 –

Page 70, line 22, after the word “victim” delete “of a crime against a person or arson in the first degree.” This statute has not been updated since 1996 and should include all victims whose perpetrators are facing potential release from prison on parole. This change would fall in line with other provisions giving specific rights for victim notice and opportunity to be heard that have been added by the bill sponsor and required by the Alaska Constitution, Article I, § 24 rights of crime victims to be heard at any proceedings, before or after conviction, at which an offender’s release from custody is considered.**

Section 113 –

Page 71, line 8, after the word “victim” delete “of a crime involving domestic violence.” This change would fall in line with other provisions giving specific rights for victim notice and opportunity to be heard that have been added by the bill sponsor and required by the Alaska Constitution, Article I, § 24 rights of crime victims to be heard at any proceedings, before or after conviction, at which an offender’s release from custody is considered.**

Section 122 –

Page 77, line 24, add “truth-in-sentencing” amendment to the end of this section consistent with amendment offered in Senate State Affairs to SB 91, Section 115, page 74, lines 5 – 9. This change would require DOC, within 30 days of an offender’s sentencing, to notify the crime victim in writing information about the earliest dates an offender could be released on furlough, probation, or parole, including deductions or reductions for good time or other good conduct incentives, and the process for release including contact information for the decision makers. The victims may disagree with the sentence and potential post-sentence reductions, but at least they would have written information that explains the process and the potential changes rather than being surprised and feeling betrayed by the system at some future date. The advance notice provides a victim with time to make a safety plan, make other life decisions, and have confidence about whether and when an offender will be released from jail.

Section 126 –

page 78, line 21; for this section, ensure that the victim has notice and an opportunity to be heard in connection with release after parole violations and prevent an unconstitutional violation of victims’ rights under the Alaska Constitution, Article I, § 24;**

page 79, line 14, amend the definition of “technical violation” to be a definition of inclusion, for example, technical violation means 1) failure to report to probation, 2) failure to submit to required drug test, 3) positive drug test, etc. This eliminates the possibility that factual situations not intended to be treated as “technical violations” will slip through the crack to the detriment of the crime victim and the public. Alternatively, have the Department of Corrections develop regulations to decide situations that should be considered technical violations.

This list of recommended changes to HB 205/SB 91 is designed to address OVR’s remaining concerns. But this list is not meant to supersede the overarching general concerns provided in the written testimony of OVR director Taylor Winston submitted to the Senate State Affairs Committee on February 18, 2016. A copy of Taylor Winston’s written testimony is included for convenience.

OVR has grave concerns that the bill provides only reduced penalties in the form of cost savings without specific provision or means for reinvestment. When the state had a period of prosperity from oil revenue, reinvestments were not made. Now in lean times, the means for

reinvestment will be necessarily absent. The bill is designed to stem rising future costs to maintain Alaska's criminal justice system, so there is no real cost savings. The bill only curbs future spending. Thus, there are no resources to reinvest. Although probably better addressed by the House Finance committee, it must be mentioned here because the bill should not be supported in principal without guaranteed reinvestment.

Finally, OVR has grave concerns that this bill focuses too heavily on the well-intentioned hope that offenders will be rehabilitated, but does not recognize or plan for the possibility that offenders will not be rehabilitated. Generally, the bill focuses primarily on offender rehabilitation to the detriment of crime victims and general public safety.

** Alaskan voters, in 1994, overwhelming approved changes to the Alaska Constitution that expressly added constitutional rights for crime victims. Article I, Section 12, was amended to add "the rights of crime victims" as an explicit principle of criminal administration in Alaskan courts. Alaska Const., art. I, § 12. At the same time, a new section, Article I, Section 24, was added, titled "Rights of Crime Victims" that enumerates eight separate constitutional rights for crime victims. Section 24 includes a guarantee that crime victims in Alaska shall have the "right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process." *Id.* Alaska Constitution, Article I, § 24 also provides constitutional rights to crime victims, including "the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered." *Id.* The constitutional rights created in section 24 are self-executing. *See* Alaska Const. art. XII § 9 ("The provisions of this constitution shall be construed to be self-executing whenever possible."); *and see Landon v. State*, 1999 WL 46543 (Alaska App. 1999) (unpublished decision examining Alaska Constitution, Article I Section 24, and concluding that it must be construed as self-executing as mandated by Article XII, Section 9). Thus, these constitutional provisions have effect regardless of whether a state statute is enacted to implement them. And statutes that contradict the plain language of the constitutional provision would be struck as unconstitutional. Information that a victim would provide to the court at a proceedings at which a defendant's release from custody is considered, such as a bail hearing, sentencing hearing, and adjudication hearing on a probation violation, or a parole hearing, might be new information not previously available to law enforcement, to the prosecutor, to a pretrial services officer, or to the court. Information provided by the victim might affect whether and under what conditions a defendant should be released from custody. The victim may have additional information because of his or her familiarity with a defendant who is often an intimate partner, family member, or a person whom the victim knows well. The information a crime victim provides to the court at these proceedings might have a profound effect on community and victim safety. If the release is predetermined by statutory mandate, the victim's right to provide input would be rendered meaningless and judicial officers and parole/probation officers would have no discretion to act on the information supplied by the crime victim. OVR's suggested amendments, creating a legal presumption in place of a mandate, are constitutionally required, and would strengthen the integrity of the bill by preserving victims' rights and protecting community safety in limited circumstances while still providing the cost savings in the vast majority of cases.



Memorandum

To: Quinlan Steiner
Public Defender

From: Tracey Wollenberg
Deputy Public Defender, Appellate Division

Date: March 25, 2016

Subject: Response to OVR's Testimony, House Bill 205, Work Draft H

On March 22, 2016, the Office of Victims' Rights (OVR) provided written and oral testimony to the House Judiciary Committee on House Bill 205 (HB 205). This memorandum responds to the issues raised by OVR as they relate to the legal interpretation of the bill.

Failure to Appear (Sections 22-24)

Consistent with Recommendation 5 of the Alaska Criminal Justice Commission's Justice Reinvestment Report,¹ Section 24 of HB 205 reduces failure to appear to a violation, with certain exceptions. In its written testimony, OVR recommended removal of this section so that failure to appear "remains a misdemeanor crime."² But under current law, failure to appear is a class C felony if the person was released in connection with a charge of a felony and a class A misdemeanor if the person was released in connection with a charge of a misdemeanor.³ Thus, retaining the current law would mean retaining failure to appear at the felony level in certain circumstances.⁴

At the hearing, OVR asserted that the reduction in penalty would dis-incentivize people from coming to court.⁵ But if a person fails to appear for a scheduled hearing, that person can be

¹ See Justice Reinvestment Report (Dec. 2015), at 18.

² OVR's Written Testimony (March 22, 2016), at 1.

³ AS 11.56.730(c).

⁴ In its oral testimony on March 22, 2016, OVR recognized that failure to appear is a felony offense under certain circumstances. OVR's Oral Testimony (March 22, 2016), at 5:42:20 – 5:42:22.

⁵ OVR's Oral Testimony (March 22, 2016), at 5:42:54 – 5:43:16.

arrested and bail revoked on the underlying crime,⁶ providing a strong incentive for people to attend their court hearings.

Moreover, contrary to OVR's suggestion at the hearing,⁷ failure to appear remains a crime, a class A misdemeanor, under certain circumstances—(1) if the person does not make contact with the court or a judicial officer within 30 days after failing to appear at a scheduled hearing; or (2) if the person fails to appear at a scheduled hearing in order to avoid prosecution.⁸ These exceptions address any purposeful delay in the proceedings due to a defendant's failure to appear without inadvertently criminalizing a person who simply forgets his court hearing.

Drug Penalties

OVR expressed concern about the reduction in drug penalties.⁹ First, OVR takes issue with the reduction of possession offenses to misdemeanors, arguing in its written testimony that “the most likely sentence would be a few days in jail, if any” and that “[t]here would be no way to mandate a defendant to complete treatment when a misdemeanor defendant is not supervised by a probation officer.”¹⁰ But research shows that long prison terms have a low deterrent effect for drug offenders and that longer prison stays do not reduce recidivism more than shorter prison stays for many individuals.¹¹ Additionally, the incentive to participate in treatment is the risk of imposition of suspended time if the person fails to comply with a probation condition requiring treatment.¹²

Second, OVR argued in its written testimony that those dealing heroin “would receive no jail if caught unless they are dealing more than 2.5 grams which is about 25 doses.”¹³ But this statement does not distinguish between first felony offenders and more serious cases (aggravated cases or repeat offenders). A person who is convicted of a class C felony for delivering less than 2.5 grams of a controlled substance like heroin is subject to a presumptive sentencing range of one to three years (if the person has one prior felony conviction) and two to five years (if the person has two or more prior felony convictions).¹⁴ A person with no prior felony convictions who is convicted of a

⁶ HB 205, Work Draft H, § 99 (proposed AS 33.07.030(f)(2)). *See also* AS 12.25.030(b)(3)(C) (providing that a peace officer may arrest a person when the officer has probable cause for believing that the person has “violated conditions imposed as part of the person's release under the provisions of AS 12.30”).

⁷ OVR's Oral Testimony (March 22, 2016), at 5:42:05 – 5:42:09.

⁸ HB 205, Work Draft H, § 24.

⁹ OVR's Written Testimony (March 22, 2016), at 1.

¹⁰ OVR's Written Testimony (March 22, 2016), at 1.

¹¹ *See* Justice Reinvestment Report (Dec. 2015), at 19.

¹² If a person has no prior drug convictions, the court can impose a suspended sentence of up to 30 days, and if a person has one prior drug conviction, the court can impose a suspended sentence of up to 180 days. HB 205, Work Draft H, § 81. If the State establishes that “the defendant has past criminal convictions . . . similar in nature to the offense for which the defendant is being sentenced,” the court can impose an active term of imprisonment of up to one year. HB 205, Work Draft H, § 79.

¹³ OVR's Written Testimony (March 22, 2016), at 1.

¹⁴ HB 205, Work Draft H, § 78.

class C felony for delivering less than 2.5 grams of heroin is presumptively subject to probation, with a suspended term of zero to 18 months, but this sentence can be adjusted (and an active term of imprisonment imposed) if the State establishes an aggravating factor under AS 12.55.155.¹⁵ Even if the State does not establish an aggravating factor, a first felony offender convicted of a class C felony can receive a suspended term of imprisonment of up to 18 months and supervised probation for up to three years,¹⁶ with the condition to complete treatment.¹⁷

Third, OVR expressed concern that “someone who runs a methamphetamine lab in a residential neighborhood would be sentenced from zero to two years in jail.”¹⁸ But this also depends on the person’s criminal history and the circumstances of the offense. Under Sections 33 and 34, manufacture of any material, compound, mixture, or preparation that contains methamphetamine is a class B felony. Under Section 77, a first felony offender convicted of a class B felony is generally subject to a presumptive sentencing range of zero to two years; a second felony offender, two to five years; and a third felony offender, four to ten years. And special penalties apply to a first felony offender convicted of an attempt, solicitation, or conspiracy to manufacture methamphetamine in “a building with reckless disregard that the building was used as a permanent or temporary home or place of lodging for one or more children under 18 years of age or the building was a place frequented by children” or if, in the course of an attempt to manufacture, “the defendant obtained the assistance of one or more children under 18 years of age or one or more children were present.” Under those circumstances, a first felony offender is subject to a presumptive sentencing range of two to four years.¹⁹

Citation Statute (Section 42)

In its written testimony, OVR suggested replacing “shall” with “should presumptively” in Section 42, which governs circumstances under which a peace officer may cite, rather than arrest, a person.²⁰ Section 42 is based on Recommendation 1 of the Justice Reinvestment Report, which recommends creating a presumption of citation for misdemeanors and class C felonies, with certain exceptions, in order to encourage officers to cite for offenses when appropriate and reduce the number of jail admissions for lower-level non-violent charges.²¹ The proposed statute already accounts for OVR’s concern by setting out exceptions that permit an officer to arrest, rather than cite, for a misdemeanor or a class C felony—for example, if the officer “reasonably believes the

¹⁵ HB 205, Work Draft H, § 78.

¹⁶ HB 205, Work Draft H, § 69.

¹⁷ A person who is convicted of manufacturing or delivering, or possessing with the intent to manufacture or deliver, more than 2.5 grams of a schedule IA, IIA, or IIIA controlled substance is guilty of a class B felony and subject to higher presumptive ranges. HB 205, Work Draft H, §§ 33, 77.

¹⁸ OVR’s Written Testimony (March 22, 2016), at 1.

¹⁹ HB 205, Work Draft H, § 77 (AS 12.55.125(d)(2)(B)).

²⁰ OVR’s Written Testimony (March 22, 2016), at 2.

²¹ See Justice Reinvestment Report (Dec. 2015), at 15.

person is a danger to self or others” or if the crime is one “involving violence or harm to another person or to property.”²²

OVR notes in connection with this section that the victim is “entitled to a meaningful opportunity to be heard at all bail hearings.”²³ Under Article I, Section 24 of the Alaska Constitution, a victim has “the right to be allowed to be heard, upon request, . . . at any proceeding where the accused’s release from custody is considered[.]” But when an officer cites a person, the person is not taken into custody and no hearing is held; thus, this right is not violated. Indeed, under existing law, officers already have the discretion, with certain exceptions, to cite a person for a misdemeanor rather than arrest.²⁴

Bail Statute (Sections 51 and 52)

OVR suggested replacing “shall” with “should presumptively” in Sections 51 and 52, which govern pre-trial release.²⁵ But this language applies only to the imposition of monetary bail and is necessary to effectuate the goal of reducing the number of individuals charged with lower-level offenses who are denied pre-trial release due to their inability to post bail.²⁶ Section 51 requires own recognizance (O.R.) or unsecured bond release for lower risk defendants—in particular, a low- or moderate-risk defendant charged with a misdemeanor or a low-risk defendant charged with a class C felony—but contains broad categorical exceptions for those charged with an offense against the person under AS 11.41; failure to appear or violating conditions of release; crimes involving domestic violence; and driving under the influence (DUI) or refusal. If an offense or an individual falls outside this provision, pre-trial release is governed by different provisions in Section 52—proposed AS 12.30.011(f) (starting on p. 30, line 1) and proposed AS 12.30.011(h) (starting on p. 31, line 8)—that allow for imposition of monetary bail if necessary.

In its oral testimony, OVR stated that a victim’s input would help the court set appropriate conditions but expressed concern that “the judge’s hands are tied in this bill.”²⁷ But in each case, the judge can, “singly or in combination,” impose bail conditions ranging from restrictions on travel, association, and residence; to restrictions on alcohol use, possession, or exposure; to house arrest and supervision by a pretrial services officer or a third-party custodian (if the requirements of AS 12.30.021 are met)—even if the court otherwise orders O.R. or unsecured bond release.²⁸ Thus, a

²² HB 205, Work Draft H, § 42.

²³ OVR’s Written Testimony (March 22, 2016), at 2.

²⁴ AS 12.25.180.

²⁵ OVR’s Written Testimony (March 22, 2016), at 2.

²⁶ See Justice Reinvestment Report (Dec. 2015), at 15-16. See also *id.* at 8 (“Research has shown that defendants are as likely to make their court appearances and refrain from new criminal activity whether their bail is secured or unsecured, compared to defendants with similar risk levels. However, use of secured bail results in many more jail beds than use of unsecured bail, as defendants who are unable to post the monetary amount upfront remain detained.”).

²⁷ OVR’s Oral Testimony (March 22, 2016), at 5:39:50 – 5:40:26.

²⁸ See Justice Reinvestment Report (Dec. 2015), at 16 (defining categories of defendants for whom the Department of Corrections should always or usually recommend release on personal recognizance or unsecured bond “with appropriate release conditions”).

victim will have the opportunity to provide meaningful input at a bail hearing—even one for a defendant charged with a misdemeanor and deemed low or moderate risk or for a defendant charged with a class C felony and deemed low risk.

Technical Violations of Probation (Sections 58, 74)

In its written testimony, OVR proposed changing the maximum term of imprisonment on technical probation violations to a presumption.²⁹ But as the Justice Reinvestment Report noted, “research shows – and Alaska’s experiences with the PACE program have demonstrated – that more proportionate sanctions, administered in a swift and certain fashion have a stronger deterrent effect than these less swift and more severe sanctions [that currently exist].”³⁰

OVR suggested that maximum terms for technical violations and automatic release upon reaching the maximum term would violate victims’ rights to notice and to be heard.³¹ But the automatic release is not bail release—rather, the automatic release only occurs once a defendant reaches the maximum sentence that can be imposed. An individual cannot be held beyond the maximum permissible sentence provided by law. Thus, no hearing to consider the defendant’s release is necessary, and a victim’s right to “be heard . . . at any proceeding where the accused’s release from custody is considered”³² is not violated.³³

Finally, a court will need to adjudicate the probationer for the violation, and the victim could elect to be present at that hearing and at any subsequent disposition. If the individual has served the requisite time by the date of the disposition hearing, the court can still modify probation conditions if the State establishes that there has been a “significant change of circumstances.”³⁴

Pre-Trial Electronic Monitoring Cap (Section 61)

In its written testimony, OVR noted that it requested and supported the 120-day cap on credit for electronic monitoring in Section 61.³⁵ OVR argues that the cap would prevent defendants from pre-serving their time on electronic monitoring without going through the Department of Corrections’ application process for post-sentencing electronic monitoring.³⁶ OVR also contends

²⁹ OVR’s Written Testimony (March 22, 2016), at 3, 5.

³⁰ Justice Reinvestment Report (Dec. 2015), at 23. *See also id.* at 12.

³¹ OVR’s Written Testimony (March 22, 2016), at 3, 5, 7.

³² Alaska Const. art. I, § 24.

³³ Moreover, bail schedules currently exist which permit the release of the defendant on pretrial release without the input of or notice to the victim. *See* Alaska Criminal Rule 41(d); *see also* Bail Schedule and Conditions in the Second Judicial District (Presiding Judge’s Administrative Order 14-02); Anchorage Misdemeanor Bail Schedule (Administrative Order 3AN-AO-11-03). When an accused is released pursuant to a bail schedule, there is no bail hearing and no opportunity for input by a victim.

³⁴ AS 12.55.090(b); *Edwards v. State*, 34 P.3d 962, 969 (Alaska App. 2001).

³⁵ OVR’s Written Testimony (March 22, 2016), at 3.

³⁶ OVR’s Written Testimony (March 22, 2016), at 3.

that the cap would “prevent[] defendants from gaming the system” by requesting delays long enough to ensure completion of their sentence.³⁷

But delays beyond the 120-day “speedy trial” limit under Criminal Rule 45 occur for sound and often necessary reasons unrelated to electronic monitoring credit, such as continued investigation and negotiations, motion practice (e.g., motions to suppress, motions to dismiss, motions to compel, etc.), and incomplete discovery. The court determines whether a delay in the trial date is appropriate in light of the public interest in the prompt disposition of cases and the interests of the crime victim.³⁸ The court also serves as the gate-keeper for approval of release on electronic monitoring—determining if electronic monitoring is appropriate, if the electronic monitoring company and conditions are sufficiently restrictive, and then ultimately determining if a person is entitled to credit under AS 12.55.027(d). The 120-day limit was not a recommendation by the Criminal Justice Commission, and granting credit for the full number of days a person is on electronic monitoring permits continued engagement in positive aspects of a person’s life, including employment and treatment, during the pendency of the case.

Felony Presumptive Sentences (Sections 76-78)

OVR expressed concern about the reduction in felony presumptive ranges in Sections 76-78.³⁹ This change was intended to realign presumptive ranges with pre-2005 presumptive terms.⁴⁰ In 2005, in response to *Blakeley v. Washington*,⁴¹ the Alaska Legislature enacted presumptive ranges, using the prior presumptive term as the bottom of the presumptive range. In the Statement of Legislative Intent accompanying the 2005 bill, the Legislature stated, “Although the presumptive terms are being replaced by presumptive ranges, it is not the intent of this Act in doing so to bring about an overall increase in the amount of active imprisonment for felony sentences.”⁴² Notwithstanding this intent, the length of incarceration increased across all non-sex felony classes of offenses, necessitating the realignment.⁴³

In its oral testimony, OVR stated that people convicted of first-degree sexual assault and first-degree sexual abuse of a minor “would get out of jail earlier under this bill—substantially

³⁷ OVR’s Written Testimony (March 22, 2016), at 4.

³⁸ See Alaska Criminal Rule 45(d)(2) (providing that the court shall grant a continuance at the request of a defendant or a defendant’s attorney “only if it is satisfied that the postponement is in the interest of justice, taking into account the public interest in the prompt disposition of criminal offenses, and after consideration of the interests of the crime victim, if known”).

³⁹ OVR’s Written Testimony (March 22, 2016), at 5.

⁴⁰ Justice Reinvestment Report (Dec. 2015), at 20.

⁴¹ 542 U.S. 296 (2004).

⁴² SLA 2005, ch. 2, § 1 (SB 56).

⁴³ See Justice Reinvestment Report (Dec. 2015), at 20. In its oral testimony, OVR suggested that the reported increases in felony sentences may be skewed by the inclusion of sentences for sexual felonies. OVR’s Oral Testimony (March 22, 2016), at 5:50:29 – 5:51:24. But the Justice Reinvestment Report states that “length of stay has increased across all *non-sex* felony classes.” Justice Reinvestment Report (Dec. 2015), at 20 (emphasis added).

earlier.”⁴⁴ OVR also suggested at the hearing that HB 205 reduces presumptive sentences for all offenses.⁴⁵ But contrary to these suggestions, the proposed reductions in HB 205 do not affect the presumptive sentences for sexual felonies, which are unchanged from current AS 12.55.125(i).⁴⁶

Under Section 136, individuals convicted of sexual offenses who are ineligible for statutory good-time credit remain ineligible but can earn good-time credit by completing the treatment requirements in the individual’s case plan. Section 106 makes certain individuals convicted of sexual offenses eligible for discretionary parole. These provisions are designed to incentivize people to engage in their case plans and complete sex offender treatment while in custody, which data has shown to have a positive benefit.⁴⁷ Moreover, eligibility for discretionary parole does not equate to automatic release; it simply entitles a person to a hearing at which the parole board decides whether or not to grant parole.⁴⁸

Administrative Parole (Section 104)

In its written testimony, OVR suggested replacing “shall” with “should presumptively” in Section 104, which governs administrative parole.⁴⁹ OVR also noted that the victim is entitled to a right to be heard at all proceedings where the person’s release from custody is considered.⁵⁰ But these concerns are already addressed in Section 104. If a victim requests a hearing, a person is no longer eligible for automatic release on administrative parole and is instead considered for discretionary parole.⁵¹ The victim can then provide input at the discretionary parole hearing.

In its oral testimony, OVR also stated that release is mandatory for all individuals convicted of a class B or C felony after they serve one-fourth of their sentence.⁵² But administrative parole is only available to those convicted of a class B or C felony (or a misdemeanor) that is not a sexual felony if the person has not been previously convicted of a felony.⁵³

⁴⁴ OVR’s Oral Testimony (March 22, 2016), at 5:37:42 – 5:37:55.

⁴⁵ OVR’s Oral Testimony (March 22, 2016), at 6:02:52 – 6:03:06 (stating that “all presumptive sentencing is being reduced”).

⁴⁶ Additionally, the presumptive sentencing range for a first felony offender convicted of criminally negligent homicide of a child under 16 years of age remains unchanged at two to four years. HB 205, Work Draft H, § 77 (p. 46, lines 8-9).

⁴⁷ See Justice Reinvestment Report (Dec. 2015), at 22.

⁴⁸ See HB 205, Work Draft H, §§ 107, 109.

⁴⁹ OVR’s Written Testimony (March 22, 2016), at 6.

⁵⁰ OVR’s Written Testimony (March 22, 2016), at 6.

⁵¹ See HB 205, Work Draft H, § 104 (proposed AS 33.16.089(a)(4) & (b)).

⁵² OVR’s Oral Testimony (March 22, 2016), at 6:03:06 – 6:03:22; 6:03:39 – 6:03:42.

⁵³ HB 205, Work Draft H, § 104 (proposed AS 33.16.089(a)).

HB 205 Amendments offered in House Judiciary

Amendment	Offered By	Description
1	Millett	Delete 120-day limit to electronic monitoring credit
2	Millett	Reinvestment language
3	Millett	Sex offense definition
4	Millett	Maximum probation - sex offenders
5	Millett	Credit towards good time - treatment
6	Millett	Negligent homicide 1-3 years
7	LeDoux	Sex trafficking
8	Lynn	Sex trafficking immunity
9	Millett	Treatment program credit I
10	Claman	Treatment program credit II
11	Millett	Positive recommendation sex offender treatment
12	Millett	Parole use of 24/7
13	Millett	Procurement for 24/7
14	LeDoux	ACJC recs RE restitution
15	LeDoux	ACJC recs RE Title 28
16	Lynn	Victim notification & information
17	Lynn	Victim notification
18	Lynn	Court View suspended entry of judgement
19	Lynn	Felony theft threshold at \$1,000
20	Lynn	Geriatric parole at age 70
21	Lynn	Re-entry ID and driver's license
22	Claman	Restitution payment plans on probation
23	Claman	Class C felony active imprisonment
24	Claman	Class A misdemeanor fines
25	Kreiss-Tomkins	Off-road system driver's license
26	Kreiss-Tomkins	Social impact bonds
27	Kreiss-Tomkins	Parole DOLWD
28	Millett	PFD Garnishment for restitution
29	Millett	MOA drug amounts

AMENDMENT #1

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

- 1 Page 36, lines 1 - 14:
2 Delete all material.
3
4 Renumber the following bill sections accordingly.
5
6 Page 97, line 29:
7 Delete "sec. 66"
8 Insert "sec. 65"
9
10 Page 98, line 1:
11 Delete "sec. 66"
12 Insert "sec. 65"
13
14 Page 98, line 2:
15 Delete "sec. 67"
16 Insert "sec. 66"
17
18 Page 98, line 5:
19 Delete "sec. 81"
20 Insert "sec. 80"
21
22 Page 98, line 8:
23 Delete "sec. 99"

- 1 Insert "sec. 98"
- 2
- 3 Page 99, line 11:
- 4 Delete "sec. 86"
- 5 Insert "sec. 85"
- 6
- 7 Page 99, line 12:
- 8 Delete "sec. 87"
- 9 Insert "sec. 86"
- 10
- 11 Page 99, line 13:
- 12 Delete "sec. 93"
- 13 Insert "sec. 92"
- 14
- 15 Page 99, line 14:
- 16 Delete "sec. 94"
- 17 Insert "sec. 93"
- 18
- 19 Page 99, line 15:
- 20 Delete "sec. 95"
- 21 Insert "sec. 94"
- 22
- 23 Page 99, line 16:
- 24 Delete "sec. 148"
- 25 Insert "sec. 147"
- 26
- 27 Page 99, line 30:
- 28 Delete all material.
- 29
- 30 Renumber the following paragraphs accordingly.
- 31

- 1 Page 99, line 31:
- 2 Delete "sec. 76"
- 3 Insert "sec. 75"
- 4
- 5 Page 100, line 1:
- 6 Delete "sec. 77"
- 7 Insert "sec. 76"
- 8
- 9 Page 100, line 2:
- 10 Delete "sec. 78"
- 11 Insert "sec. 77"
- 12
- 13 Page 100, line 3:
- 14 Delete "sec. 79"
- 15 Insert "sec. 78"
- 16
- 17 Page 100, line 4:
- 18 Delete "sec. 80"
- 19 Insert "sec. 79"
- 20
- 21 Page 100, line 5:
- 22 Delete "sec. 81"
- 23 Insert "sec. 80"
- 24
- 25 Page 100, line 6:
- 26 Delete "sec. 134"
- 27 Insert "sec. 133"
- 28
- 29 Page 100, line 7:
- 30 Delete "sec. 135"
- 31 Insert "sec. 134"

- 1
- 2 Page 100, line 12:
 - 3 Delete "sec. 75"
 - 4 Insert "sec. 74"
 - 5
- 6 Page 100, line 13:
 - 7 Delete "sec. 89"
 - 8 Insert "sec. 88"
 - 9
- 10 Page 100, line 14:
 - 11 Delete "sec. 92"
 - 12 Insert "sec. 91"
 - 13
- 14 Page 100, line 15:
 - 15 Delete "sec. 102"
 - 16 Insert "sec. 101"
 - 17
- 18 Page 100, line 16:
 - 19 Delete "sec. 104"
 - 20 Insert "sec. 103"
 - 21
- 22 Page 100, line 17:
 - 23 Delete "sec. 136"
 - 24 Insert "sec. 135"
 - 25
- 26 Page 100, line 24:
 - 27 Delete "sec. 64"
 - 28 Insert "sec. 63"
 - 29
- 30 Page 100, line 25:
 - 31 Delete "sec. 65"

- 1 Insert "sec. 64"
- 2
- 3 Page 100, line 26:
- 4 Delete "sec. 66"
- 5 Insert "sec. 65"
- 6
- 7 Page 100, line 27:
- 8 Delete "sec. 67"
- 9 Insert "sec. 66"
- 10
- 11 Page 100, line 29:
- 12 Delete "sec. 67"
- 13 Insert "sec. 66"
- 14
- 15 Page 101, line 1:
- 16 Delete "sec. 62"
- 17 Insert "sec. 61"
- 18
- 19 Page 101, line 2:
- 20 Delete "sec. 69"
- 21 Insert "sec. 68"
- 22
- 23 Page 101, line 5:
- 24 Delete "sec. 68"
- 25 Insert "sec. 67"
- 26
- 27 Page 101, line 6:
- 28 Delete "sec. 70"
- 29 Insert "sec. 69"
- 30
- 31 Page 101, line 7:

- 1 Delete "sec. 71"
- 2 Insert "sec. 70"
- 3
- 4 Page 101, line 8:
 - 5 Delete "sec. 72"
 - 6 Insert "sec. 71"
 - 7
- 8 Page 101, line 9:
 - 9 Delete "sec. 74"
 - 10 Insert "sec. 73"
 - 11
- 12 Page 101, line 10:
 - 13 Delete "sec. 96"
 - 14 Insert "sec. 95"
 - 15
- 16 Page 101, line 11:
 - 17 Delete "sec. 97"
 - 18 Insert "sec. 96"
 - 19
- 20 Page 101, line 15:
 - 21 Delete "sec. 83"
 - 22 Insert "sec. 82"
 - 23
- 24 Page 101, line 16:
 - 25 Delete "sec. 84"
 - 26 Insert "sec. 83"
 - 27
- 28 Page 101, line 17:
 - 29 Delete "sec. 85"
 - 30 Insert "sec. 84"
 - 31

- 1 Page 101, line 18:
- 2 Delete "sec. 91"
- 3 Insert "sec. 90"
- 4
- 5 Page 101, line 21:
- 6 Delete "sec. 100"
- 7 Insert "sec. 99"
- 8
- 9 Page 101, line 22:
- 10 Delete "sec. 101"
- 11 Insert "sec. 100"
- 12
- 13 Page 101, line 23:
- 14 Delete "sec. 103"
- 15 Insert "sec. 102"
- 16
- 17 Page 101, line 24:
- 18 Delete "sec. 105"
- 19 Insert "sec. 104"
- 20
- 21 Page 101, line 25:
- 22 Delete "sec. 107"
- 23 Insert "sec. 106"
- 24
- 25 Page 101, line 26:
- 26 Delete "sec. 108"
- 27 Insert "sec. 107"
- 28
- 29 Page 101, line 27:
- 30 Delete "sec. 109"
- 31 Insert "sec. 108"

- 1
- 2 Page 101, line 28:
 - 3 Delete "sec. 115"
 - 4 Insert "sec. 114"
 - 5
- 6 Page 101, line 29:
 - 7 Delete "sec. 116"
 - 8 Insert "sec. 115"
 - 9
- 10 Page 101, line 30:
 - 11 Delete "sec. 117"
 - 12 Insert "sec. 116"
 - 13
- 14 Page 101, line 31:
 - 15 Delete "sec. 118"
 - 16 Insert "sec. 117"
 - 17
- 18 Page 102, line 1:
 - 19 Delete "sec. 119"
 - 20 Insert "sec. 118"
 - 21
- 22 Page 102, line 2:
 - 23 Delete "sec. 120"
 - 24 Insert "sec. 119"
 - 25
- 26 Page 102, line 3:
 - 27 Delete "sec. 121"
 - 28 Insert "sec. 120"
 - 29
- 30 Page 102, line 4:
 - 31 Delete "sec. 122"

1 Insert "sec. 121"

2

3 Page 102, line 5:

4 Delete "sec. 123"

5 Insert "sec. 122"

6

7 Page 102, line 6:

8 Delete "sec. 124"

9 Insert "sec. 123"

10

11 Page 102, line 7:

12 Delete "sec. 125"

13 Insert "sec. 124"

14

15 Page 102, line 8:

16 Delete "sec. 126"

17 Insert "sec. 125"

18

19 Page 102, line 9:

20 Delete "sec. 127"

21 Insert "sec. 126"

22

23 Page 102, line 10:

24 Delete "sec. 128"

25 Insert "sec. 127"

26

27 Page 102, line 11:

28 Delete "sec. 129"

29 Insert "sec. 128"

30

31 Page 102, line 12:

- 1 Delete "sec. 130"
- 2 Insert "sec. 129"
- 3
- 4 Page 102, line 13:
 - 5 Delete "sec. 131"
 - 6 Insert "sec. 130"
 - 7
- 8 Page 102, line 14:
 - 9 Delete "sec. 132"
 - 10 Insert "sec. 131"
 - 11
- 12 Page 102, line 15:
 - 13 Delete "secs. 152 - 154"
 - 14 Insert "secs. 151 - 153"
 - 15
- 16 Page 102, line 16:
 - 17 Delete "152 - 154"
 - 18 Insert "151 - 153"
 - 19
- 20 Page 102, line 31:
 - 21 Delete "sec. 63"
 - 22 Insert "sec. 62"
 - 23
- 24 Page 103, line 1:
 - 25 Delete "sec. 99"
 - 26 Insert "sec. 98"
 - 27
- 28 Page 103, line 2:
 - 29 Delete "sec. 142"
 - 30 Insert "sec. 141"
 - 31

- 1 Page 103, line 6:
- 2 Delete "sec. 152"
- 3 Insert "sec. 151"
- 4
- 5 Page 103, line 8:
- 6 Delete "sec. 156(a)"
- 7 Insert "sec. 155(a)"
- 8
- 9 Page 103, line 11:
- 10 Delete "sec. 156(b)"
- 11 Insert "sec. 155(b)"
- 12
- 13 Page 103, line 14:
- 14 Delete "sec. 156(b)"
- 15 Insert "sec. 155(b)"
- 16
- 17 Page 103, line 17:
- 18 Delete "sec. 66"
- 19 Insert "sec. 65"
- 20 Delete "sec. 156(c)"
- 21 Insert "sec. 155(c)"
- 22
- 23 Page 103, line 20:
- 24 Delete "sec. 67"
- 25 Insert "sec. 66"
- 26 Delete "sec. 156(d)"
- 27 Insert "sec. 155(d)"
- 28
- 29 Page 103, line 23:
- 30 Delete "sec. 81"
- 31 Insert "sec. 80"

- 1 Delete "sec. 156(e)"
- 2 Insert "sec. 155(e)"
- 3
- 4 Page 103, line 26:
 - 5 Delete "sec. 99"
 - 6 Insert "sec. 98"
 - 7 Delete "sec. 156(f)"
 - 8 Insert "sec. 155(f)"
 - 9
- 10 Page 103, lines 29 - 30:
 - 11 Delete "62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
 - 12 Insert "61, 64, 66, 68, 72, 75 - 87, 90, 92 - 94, 133, 134, 142 - 150, and 154"
 - 13
- 14 Page 103, line 31, through page 104, line 1:
 - 15 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
 - 16 Insert "65, 67, 69 - 71, 73, 74, 88, 89, 91, 95 - 97, 99 - 132, and 135 - 139"
 - 17
- 18 Page 104, line 2:
 - 19 Delete "sec. 152"
 - 20 Insert "sec. 151"
 - 21
- 22 Page 104, line 4:
 - 23 Delete "63, 99, 142, 152 - 154, and 156(f)"
 - 24 Insert "62, 98, 141, 151 - 153, and 155(f)"

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE MILLETT

TO: CSHB 205(), Draft Version "H"

1 Page 96, following line 21:

2 Insert new bill sections to read:

3 **** Sec. 152.** AS 47.38.100(a) is amended to read:

4 (a) The recidivism reduction program is established to promote the
5 rehabilitation [THROUGH TRANSITIONAL RE-ENTRY PROGRAMS] of persons
6 **on probation or parole or** incarcerated for offenses and recently released from
7 correctional facilities.

8 *** Sec. 153.** AS 47.38.100(b) is amended to read:

9 (b) The commissioner, in cooperation with the **Alaska Criminal Justice**
10 **Commission established in AS 44.19.641** [COMMISSIONER OF CORRECTIONS],
11 may provide for programs that have, as a primary focus, rehabilitation and reduction
12 of recidivism [THROUGH TRANSITIONAL RE-ENTRY] for persons **on probation**
13 **or parole or** incarcerated for offenses and recently released from correctional
14 facilities. The commissioner may enter into contracts to provide for programs under
15 this section. **An eligible [A] program under this section must accomplish at least one**
16 **of the following objectives:**

17 (1) **increasing access to evidence-based rehabilitation programs,**
18 **including drug and alcohol treatment, mental health treatment, and cognitive**
19 **behavioral programs; or**

20 (2) **supporting offenders' transition and re-entry from correctional**
21 **facilities to the community, including transitional housing services, employment**
22 **services, vocational training, educational support, counseling, and medical care**
23 [INCLUDE CASE MANAGEMENT;

- 1 (2) REQUIRE SOBER LIVING;
- 2 (3) PROVIDE, ON-SITE OR BY REFERRAL, TREATMENT FOR
- 3 SUBSTANCE ABUSE OR MENTAL HEALTH TREATMENT;
- 4 (4) REQUIRE EMPLOYMENT, EDUCATIONAL
- 5 PROGRAMMING, VOCATIONAL TRAINING, OR COMMUNITY VOLUNTEER
- 6 WORK AS APPROVED BY THE DIRECTOR OF THE TREATMENT PROGRAM;
- 7 AND
- 8 (5) LIMIT RESIDENTIAL PLACEMENTS IN THE PROGRAM TO
- 9 A MAXIMUM OF ONE YEAR].

10 * Sec. 154. AS 47.38.100 is amended by adding a new subsection to read:

11 (d) In this section, "evidenced-based" means a program or practice that offers
12 a high level of peer-reviewed data on effectiveness."
13

14 Renumber the following bill sections accordingly.

15
16 Page 98, following line 12:

17 Insert a new bill section to read:

18 "** Sec. 160. The uncodified law of the State of Alaska is amended by adding a new section
19 to read:

20 COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT. The Council
21 on Domestic Violence and Sexual Assault established in AS 18.66.010 shall create or expand
22 community-based violence prevention programming and services for victims of a crime
23 involving domestic violence or sexual assault in the fiscal year ending June 30, 2017. In this
24 section "domestic violence" and "sexual assault" have the meanings given to those terms in
25 AS 18.66.990."
26

27 Renumber the following bill sections accordingly.

28
29 Page 102, line 15:

30 Delete "secs. 152 - 154"

31 Insert "secs. 155 - 157"

- 1
- 2 **Page 102, line 16:**
- 3 **Delete "152 - 154"**
- 4 **Insert "155 - 157"**
- 5
- 6 **Page 103, line 6:**
- 7 **Delete "sec. 152"**
- 8 **Insert "sec. 155"**
- 9
- 10 **Page 103, line 8:**
- 11 **Delete "sec. 156(a)"**
- 12 **Insert "sec. 159(a)"**
- 13
- 14 **Page 103, line 11:**
- 15 **Delete "sec. 156(b)"**
- 16 **Insert "sec. 159(b)"**
- 17
- 18 **Page 103, line 14:**
- 19 **Delete "sec. 156(b)"**
- 20 **Insert "sec. 159(b)"**
- 21
- 22 **Page 103, line 17:**
- 23 **Delete "sec. 156(c)"**
- 24 **Insert "sec. 159(c)"**
- 25
- 26 **Page 103, line 20:**
- 27 **Delete "sec. 156(d)"**
- 28 **Insert "sec. 159(d)"**
- 29
- 30 **Page 103, line 23:**
- 31 **Delete "sec. 156(e)"**

- 1 Insert "sec. 159(e)"
- 2
- 3 Page 103, line 26:
- 4 Delete "sec. 156(f)"
- 5 Insert "sec. 159(f)"
- 6
- 7 Page 103, lines 29 - 30:
- 8 Delete "155"
- 9 Insert "158"
- 10
- 11 Page 104, line 2:
- 12 Delete "sec. 152"
- 13 Insert "sec. 155"
- 14
- 15 Page 104, line 4:
- 16 Delete "152 - 154, and 156(f)"
- 17 Insert "155 - 157, and 159(f)"

AMENDMENT *3

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

- 1 Page 23, line 2:
- 2 Delete "sexual offense"
- 3 Insert "sex offense"
- 4
- 5 Page 23, line 8:
- 6 Delete ""sexual offense""
- 7 Insert ""sex offense""
- 8
- 9 Page 23, line 9:
- 10 Delete "AS 11.41.410 - 11.41.470"
- 11 Insert "AS 12.63.100"

AMENDMENT #4

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 40, lines 3 - 6:

2 Delete all material and insert:

3 "(1) 10 [25] years for a [FELONY] sex offense; [OR]

4 (2) **five years for an unclassified felony under AS 11 that is not a**
5 **sex offense;**

6 (3) **three** [10] years for **a felony** [ANY OTHER] offense **not listed in**
7 **(1) or (2) of this subsection;**

8

9 Renumber the following paragraphs accordingly.

10

11 Page 42, following line 1:

12 Insert a new subsection to read:

13 "(n) In this section, "sex offense" has the meaning given in AS 12.63.100."

AMENDMENT #5

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

- 1 Page 82, line 2:
- 2 Delete "in a treatment program or [,]"
- 3 Insert "[IN A TREATMENT PROGRAM,]"
- 4
- 5 Page 82, line 4, following "monitoring":
- 6 Insert "or in a treatment program"

AMENDMENT #6

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 46, line 8, following "victim":

2 Insert "(i)"

3

4 Page 46, following line 9:

5 Insert a new sub-subparagraph to read:

6 **"(ii) was 16 years of age or older, one to three years;"**

AMENDMENT #7

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 14, following line 20:

2 Insert new bill sections to read:

3 **** Sec. 32.** AS 11.66.110(a) is amended to read:

4 (a) A person commits the crime of sex trafficking in the first degree if the
5 person

6 (1) induces or causes **another** [A] person to engage in prostitution
7 through the use of force;

8 (2) as other than a patron of a prostitute, induces or causes **another** [A]
9 person **who is** under 20 years of age to engage in prostitution; or

10 (3) induces or causes a person in that person's legal custody to engage
11 in prostitution.

12 *** Sec. 33.** AS 11.66.130(a) is amended to read:

13 (a) A person commits the crime of sex trafficking in the third degree if, with
14 intent to promote prostitution, the person

15 (1) manages, supervises, controls, or owns, either alone or in
16 association with others, a place of prostitution;

17 (2) as other than a patron of a prostitute, induces or causes **another** [A]
18 person **who is** 20 years of age or older to engage in prostitution;

19 (3) as other than a prostitute receiving compensation for personally
20 rendered prostitution services, receives or agrees to receive money or other property
21 under an agreement or understanding that the money or other property is derived from
22 prostitution; or

23 (4) engages in conduct that institutes, aids, or facilitates a prostitution

1 enterprise.

2 * **Sec. 34.** AS 11.66.130 is amended by adding a new subsection to read:

3 (c) A person does not act with the intent to promote prostitution under (a) of
4 this section if the person

5 (1) engages in prostitution in violation of AS 11.66.100(a) in a location
6 even if that location is shared with another person; and

7 (2) has not induced or caused another person in that location to engage
8 in prostitution.

9 * **Sec. 35.** AS 11.66.135 is amended by adding a new subsection to read:

10 (c) A person does not institute, aid, or facilitate prostitution if the person

11 (1) engages in prostitution in violation of AS 11.66.100(a) in a location
12 even if that location is shared with another person; and

13 (2) has not induced or caused another person in that location to engage
14 in prostitution."

15

16 **Renumber the following bill sections accordingly.**

17

18 **Page 97, line 18:**

19 Delete "sec. 50"

20 Insert "sec. 54"

21

22 **Page 97, line 22:**

23 Delete "sec. 51"

24 Insert "sec. 55"

25

26 **Page 97, line 23:**

27 Delete "sec. 52"

28 Insert "sec. 56"

29

30 **Page 97, line 29:**

31 Delete "sec. 66"

- 1 Insert "sec. 70"
- 2
- 3 Page 98, line 1:
- 4 Delete "sec. 66"
- 5 Insert "sec. 70"
- 6
- 7 Page 98, line 2:
- 8 Delete "sec. 67"
- 9 Insert "sec. 71"
- 10
- 11 Page 98, line 5:
- 12 Delete "sec. 81"
- 13 Insert "sec. 85"
- 14
- 15 Page 98, line 8:
- 16 Delete "sec. 99"
- 17 Insert "sec. 103"
- 18
- 19 Page 99, line 6:
- 20 Delete "sec. 32"
- 21 Insert "sec. 36"
- 22
- 23 Page 99, line 7:
- 24 Delete "sec. 33"
- 25 Insert "sec. 37"
- 26
- 27 Page 99, line 8:
- 28 Delete "sec. 36"
- 29 Insert "sec. 40"
- 30
- 31 Page 99, line 9:

- 1 Delete "sec. 38"
- 2 Insert "sec. 42"
- 3
- 4 Page 99, line 10:
 - 5 Delete "sec. 40"
 - 6 Insert "sec. 44"
 - 7
- 8 Page 99, line 11:
 - 9 Delete "sec. 86"
 - 10 Insert "sec. 90"
 - 11
- 12 Page 99, line 12:
 - 13 Delete "sec. 87"
 - 14 Insert "sec. 91"
 - 15
- 16 Page 99, line 13:
 - 17 Delete "sec. 93"
 - 18 Insert "sec. 97"
 - 19
- 20 Page 99, line 14:
 - 21 Delete "sec. 94"
 - 22 Insert "sec. 98"
 - 23
- 24 Page 99, line 15:
 - 25 Delete "sec. 95"
 - 26 Insert "sec. 99"
 - 27
- 28 Page 99, line 16:
 - 29 Delete "sec. 148"
 - 30 Insert "sec. 152"
 - 31

1 Page 99, following line 24:

- 2 Insert "(1) AS 11.66.110(a), as amended by sec. 32 of this Act;
- 3 (2) AS 11.66.130(a), as amended by sec. 33 of this Act;
- 4 (3) AS 11.66.130(c), as amended by sec. 34 of this Act;
- 5 (4) AS 11.66.135(c), as amended by sec. 35 of this Act;"

6

7 Renumber the following paragraphs accordingly.

8

9 Page 99, line 25:

10 Delete "sec. 41"

11 Insert "sec. 45"

12

13 Page 99, line 26:

14 Delete "sec. 42"

15 Insert "sec. 46"

16

17 Page 99, line 27:

18 Delete "sec. 44"

19 Insert "sec. 48"

20

21 Page 99, line 30:

22 Delete "sec. 61"

23 Insert "sec. 65"

24

25 Page 99, line 31:

26 Delete "sec. 76"

27 Insert "sec. 80"

28

29 Page 100, line 1:

30 Delete "sec. 77"

31 Insert "sec. 81"

- 1
- 2 Page 100, line 2:
 - 3 Delete "sec. 78"
 - 4 Insert "sec. 82"
 - 5
- 6 Page 100, line 3:
 - 7 Delete "sec. 79"
 - 8 Insert "sec. 83"
 - 9
- 10 Page 100, line 4:
 - 11 Delete "sec. 80"
 - 12 Insert "sec. 84"
 - 13
- 14 Page 100, line 5:
 - 15 Delete "sec. 81"
 - 16 Insert "sec. 85"
 - 17
- 18 Page 100, line 6:
 - 19 Delete "sec. 134"
 - 20 Insert "sec. 138"
 - 21
- 22 Page 100, line 7:
 - 23 Delete "sec. 135"
 - 24 Insert "sec. 139"
 - 25
- 26 Page 100, line 10:
 - 27 Delete "sec. 59"
 - 28 Insert "sec. 63"
 - 29
- 30 Page 100, line 11:
 - 31 Delete "sec. 60"

- 1 Insert "sec. 64"
- 2
- 3 Page 100, line 12:
- 4 Delete "sec. 75"
- 5 Insert "sec. 79"
- 6
- 7 Page 100, line 13:
- 8 Delete "sec. 89"
- 9 Insert "sec. 93"
- 10
- 11 Page 100, line 14:
- 12 Delete "sec. 92"
- 13 Insert "sec. 96"
- 14
- 15 Page 100, line 15:
- 16 Delete "sec. 102"
- 17 Insert "sec. 106"
- 18
- 19 Page 100, line 16:
- 20 Delete "sec. 104"
- 21 Insert "sec. 108"
- 22
- 23 Page 100, line 17:
- 24 Delete "sec. 136"
- 25 Insert "sec. 140"
- 26
- 27 Page 100, line 18:
- 28 Delete "sec. 58"
- 29 Insert "sec. 62"
- 30
- 31 Page 100, line 20:

- 1 Delete "sec. 58"
- 2 Insert "sec. 62"
- 3
- 4 Page 100, line 24:
 - 5 Delete "sec. 64"
 - 6 Insert "sec. 68"
 - 7
- 8 Page 100, line 25:
 - 9 Delete "sec. 65"
 - 10 Insert "sec. 69"
 - 11
- 12 Page 100, line 26:
 - 13 Delete "sec. 66"
 - 14 Insert "sec. 70"
 - 15
- 16 Page 100, line 27:
 - 17 Delete "sec. 67"
 - 18 Insert "sec. 71"
 - 19
- 20 Page 100, line 29:
 - 21 Delete "sec. 67"
 - 22 Insert "sec. 71"
 - 23
- 24 Page 101, line 1:
 - 25 Delete "sec. 62"
 - 26 Insert "sec. 66"
 - 27
- 28 Page 101, line 2:
 - 29 Delete "sec. 69"
 - 30 Insert "sec. 73"
 - 31

- 1 Page 101, line 5:
- 2 Delete "sec. 68"
- 3 Insert "sec. 72"
- 4
- 5 Page 101, line 6:
- 6 Delete "sec. 70"
- 7 Insert "sec. 74"
- 8
- 9 Page 101, line 7:
- 10 Delete "sec. 71"
- 11 Insert "sec. 75"
- 12
- 13 Page 101, line 8:
- 14 Delete "sec. 72"
- 15 Insert "sec. 76"
- 16
- 17 Page 101, line 9:
- 18 Delete "sec. 74"
- 19 Insert "sec. 78"
- 20
- 21 Page 101, line 10:
- 22 Delete "sec. 96"
- 23 Insert "sec. 100"
- 24
- 25 Page 101, line 11:
- 26 Delete "sec. 97"
- 27 Insert "sec. 101"
- 28
- 29 Page 101, line 15:
- 30 Delete "sec. 83"
- 31 Insert "sec. 87"

- 1
- 2 Page 101, line 16:
 - 3 Delete "sec. 84"
 - 4 Insert "sec. 88"
 - 5
- 6 Page 101, line 17:
 - 7 Delete "sec. 85"
 - 8 Insert "sec. 89"
 - 9
- 10 Page 101, line 18:
 - 11 Delete "sec. 91"
 - 12 Insert "sec. 95"
 - 13
- 14 Page 101, line 21:
 - 15 Delete "sec. 100"
 - 16 Insert "sec. 104"
 - 17
- 18 Page 101, line 22:
 - 19 Delete "sec. 101"
 - 20 Insert "sec. 105"
 - 21
- 22 Page 101, line 23:
 - 23 Delete "sec. 103"
 - 24 Insert "sec. 107"
 - 25
- 26 Page 101, line 24:
 - 27 Delete "sec. 105"
 - 28 Insert "sec. 109"
 - 29
- 30 Page 101, line 25:
 - 31 Delete "sec. 107"

- 1 Insert "sec. 111"
- 2
- 3 Page 101, line 26:
- 4 Delete "sec. 108"
- 5 Insert "sec. 112"
- 6
- 7 Page 101, line 27:
- 8 Delete "sec. 109"
- 9 Insert "sec. 113"
- 10
- 11 Page 101, line 28:
- 12 Delete "sec. 115"
- 13 Insert "sec. 119"
- 14
- 15 Page 101, line 29:
- 16 Delete "sec. 116"
- 17 Insert "sec. 120"
- 18
- 19 Page 101, line 30:
- 20 Delete "sec. 117"
- 21 Insert "sec. 121"
- 22
- 23 Page 101, line 31:
- 24 Delete "sec. 118"
- 25 Insert "sec. 122"
- 26
- 27 Page 102, line 1:
- 28 Delete "sec. 119"
- 29 Insert "sec. 123"
- 30
- 31 Page 102, line 2:

- 1 Delete "sec. 120"
- 2 Insert "sec. 124"
- 3
- 4 Page 102, line 3:
 - 5 Delete "sec. 121"
 - 6 Insert "sec. 125"
 - 7
- 8 Page 102, line 4:
 - 9 Delete "sec. 122"
 - 10 Insert "sec. 126"
 - 11
- 12 Page 102, line 5:
 - 13 Delete "sec. 123"
 - 14 Insert "sec. 127"
 - 15
- 16 Page 102, line 6:
 - 17 Delete "sec. 124"
 - 18 Insert "sec. 128"
 - 19
- 20 Page 102, line 7:
 - 21 Delete "sec. 125"
 - 22 Insert "sec. 129"
 - 23
- 24 Page 102, line 8:
 - 25 Delete "sec. 126"
 - 26 Insert "sec. 130"
 - 27
- 28 Page 102, line 9:
 - 29 Delete "sec. 127"
 - 30 Insert "sec. 131"
 - 31

- 1 Page 102, line 10:
- 2 Delete "sec. 128"
- 3 Insert "sec. 132"
- 4
- 5 Page 102, line 11:
- 6 Delete "sec. 129"
- 7 Insert "sec. 133"
- 8
- 9 Page 102, line 12:
- 10 Delete "sec. 130"
- 11 Insert "sec. 134"
- 12
- 13 Page 102, line 13:
- 14 Delete "sec. 131"
- 15 Insert "sec. 135"
- 16
- 17 Page 102, line 14:
- 18 Delete "sec. 132"
- 19 Insert "sec. 136"
- 20
- 21 Page 102, line 15:
- 22 Delete "secs. 152 - 154"
- 23 Insert "secs. 156 - 158"
- 24
- 25 Page 102, line 16:
- 26 Delete "152 - 154"
- 27 Insert "156 - 158"
- 28
- 29 Page 102, line 20:
- 30 Delete "sec. 46"
- 31 Insert "sec. 50"

- 1
- 2 Page 102, line 21:
 - 3 Delete "sec. 47"
 - 4 Insert "sec. 51"
 - 5
- 6 Page 102, line 22:
 - 7 Delete "sec. 48"
 - 8 Insert "sec. 52"
 - 9
- 10 Page 102, line 23:
 - 11 Delete "sec. 49"
 - 12 Insert "sec. 53"
 - 13
- 14 Page 102, line 24:
 - 15 Delete "sec. 50"
 - 16 Insert "sec. 54"
 - 17
- 18 Page 102, line 25:
 - 19 Delete "sec. 51"
 - 20 Insert "sec. 55"
 - 21
- 22 Page 102, line 26:
 - 23 Delete "sec. 52"
 - 24 Insert "sec. 56"
 - 25
- 26 Page 102, line 27:
 - 27 Delete "sec. 53"
 - 28 Insert "sec. 57"
 - 29
- 30 Page 102, line 28:
 - 31 Delete "sec. 54"

- 1 Insert "sec. 58"
- 2
- 3 Page 102, line 29:
- 4 Delete "sec. 56"
- 5 Insert "sec. 60"
- 6
- 7 Page 102, line 30:
- 8 Delete "sec. 57"
- 9 Insert "sec. 61"
- 10
- 11 Page 102, line 31:
- 12 Delete "sec. 63"
- 13 Insert "sec. 67"
- 14
- 15 Page 103, line 1:
- 16 Delete "sec. 99"
- 17 Insert "sec. 103"
- 18
- 19 Page 103, line 2:
- 20 Delete "sec. 142"
- 21 Insert "sec. 146"
- 22
- 23 Page 103, line 6:
- 24 Delete "sec. 152"
- 25 Insert "sec. 156"
- 26
- 27 Page 103, line 8:
- 28 Delete "sec. 50"
- 29 Insert "sec. 54"
- 30 Delete "sec. 156(a)"
- 31 Insert "sec. 160(a)"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Page 103, line 11:

- Delete "sec. 51"
- Insert "sec. 55"
- Delete "sec. 156(b)"
- Insert "sec. 160(b)"

Page 103, line 14:

- Delete "sec. 52"
- Insert "sec. 56"
- Delete "sec. 156(b)"
- Insert "sec. 160(b)"

Page 103, line 17:

- Delete "sec. 66"
- Insert "sec. 70"
- Delete "sec. 156(c)"
- Insert "sec. 160(c)"

Page 103, line 20:

- Delete "sec. 67"
- Insert "sec. 71"
- Delete "sec. 156(d)"
- Insert "sec. 160(d)"

Page 103, line 23:

- Delete "sec. 81"
- Insert "sec. 85"
- Delete "sec. 156(e)"
- Insert "sec. 160(e)"

1 Page 103, line 26:

2 Delete "sec. 99"

3 Insert "sec. 103"

4 Delete "sec. 156(f)"

5 Insert "sec. 160(f)"

6

7 Page 103, lines 29 - 30:

8 Delete "28 - 40, 61, 62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and
9 155"

10 Insert "28 - 44, 65, 66, 69, 71, 73, 77, 80 - 92, 95, 97 - 99, 138, 139, 147 - 155, and
11 159"

12

13 Page 103, line 31, through page 104, line 1:

14 Delete "Sections 58 - 60, 66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and
15 136 - 140"

16 Insert "Sections 62 - 64, 70, 72, 74 - 76, 78, 79, 93, 94, 96, 100 - 102, 104 - 137, and
17 140 - 144"

18

19 Page 104, line 2:

20 Delete "sec. 152"

21 Insert "sec. 156"

22

23 Page 104, line 4:

24 Delete "41 - 57, 63, 99, 142, 152 - 154, and 156(f)"

25 Insert "45 - 61, 67, 103, 146, 156 - 158, and 160(f)"

AMENDMENT *8

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

1 Page 14, following line 20:

2 Insert a new bill section to read:

3 **** Sec. 32.** AS 11.66.100 is amended by adding a new subsection to read:

4 (e) A person may not be prosecuted under (a)(1) of this section if the

5 (1) person witnessed or was a victim of, and reported to law
6 enforcement in good faith, one or more of the following crimes:

7 (A) murder in the first degree under AS 11.41.100;

8 (B) murder in the second degree under AS 11.41.110;

9 (C) manslaughter under AS 11.41.120;

10 (D) criminally negligent homicide under AS 11.41.130;

11 (E) assault in the first degree under AS 11.41.200;

12 (F) assault in the second degree under AS 11.41.210;

13 (G) assault in the third degree under AS 11.41.220;

14 (H) assault in the fourth degree under AS 11.41.230;

15 (I) sexual assault in the first degree under AS 11.41.410;

16 (J) sexual assault in the second degree under AS 11.41.420;

17 (K) sexual assault in the third degree under AS 11.41.425;

18 (L) sexual assault in the fourth degree under AS 11.41.427;

19 (M) sexual abuse of a minor in the first degree under

20 AS 11.41.434;

21 (N) sexual abuse of a minor in the second degree under

22 AS 11.41.436;

23 (O) sexual abuse of a minor in the third degree under

- 1 AS 11.41.438;
- 2 (P) sexual abuse of a minor in the fourth degree under
- 3 AS 11.41.440;
- 4 (Q) robbery in the first degree under AS 11.41.500;
- 5 (R) robbery in the second degree under AS 11.41.510;
- 6 (S) extortion under AS 11.41.520;
- 7 (T) coercion under AS 11.41.530;
- 8 (U) distribution of child pornography under AS 11.61.125;
- 9 (V) possession of child pornography under AS 11.61.127;
- 10 (W) sex trafficking in the first degree under AS 11.66.110;
- 11 (X) sex trafficking in the second degree under AS 11.66.120;
- 12 (Y) sex trafficking in the third degree under AS 11.66.130; or
- 13 (Z) sex trafficking in the fourth degree under AS 11.66.135;
- 14 (2) evidence supporting the prosecution under (a)(1) of this section
- 15 was obtained or discovered as a result of the person reporting the crime to law
- 16 enforcement; and
- 17 (3) person cooperated with law enforcement personnel."
- 18

19 Page 97, line 18:

20 Delete "sec. 50"

21 Insert "sec. 51"

22

23 Page 97, line 22:

24 Delete "sec. 51"

25 Insert "sec. 52"

26

27 Page 97, line 23:

28 Delete "sec. 52"

29 Insert "sec. 53"

30

31 Page 97, line 29:

1 Delete "sec. 66"

2 Insert "sec. 67"

3

4 Page 98, line 1:

5 Delete "sec. 66"

6 Insert "sec. 67"

7

8 Page 98, line 2:

9 Delete "sec. 67"

10 Insert "sec. 68"

11

12 Page 98, line 5:

13 Delete "sec. 81"

14 Insert "sec. 82"

15

16 Page 98, line 8:

17 Delete "sec. 99"

18 Insert "sec. 100"

19

20 Page 99, line 6:

21 Delete "sec. 32"

22 Insert "sec. 33"

23

24 Page 99, line 7:

25 Delete "sec. 33"

26 Insert "sec. 34"

27

28 Page 99, line 8:

29 Delete "sec. 36"

30 Insert "sec. 37"

31

- 1 Page 99, line 9:
- 2 Delete "sec. 38"
- 3 Insert "sec. 39"
- 4
- 5 Page 99, line 10:
- 6 Delete "sec. 40"
- 7 Insert "sec. 41"
- 8
- 9 Page 99, line 11:
- 10 Delete "sec. 86"
- 11 Insert "sec. 87"
- 12
- 13 Page 99, line 12:
- 14 Delete "sec. 87"
- 15 Insert "sec. 88"
- 16
- 17 Page 99, line 13:
- 18 Delete "sec. 93"
- 19 Insert "sec. 94"
- 20
- 21 Page 99, line 14:
- 22 Delete "sec. 94"
- 23 Insert "sec. 95"
- 24
- 25 Page 99, line 15:
- 26 Delete "sec. 95"
- 27 Insert "sec. 96"
- 28
- 29 Page 99, line 16:
- 30 Delete "sec. 148"
- 31 Insert "sec. 149"

1

2 Page 99, line 25:

3 Delete "sec. 41"

4 Insert "sec. 42"

5

6 Page 99, line 26:

7 Delete "sec. 42"

8 Insert "sec. 43"

9

10 Page 99, line 27:

11 Delete "sec. 44"

12 Insert "sec. 45"

13

14 Page 99, line 30:

15 Delete "sec. 61"

16 Insert "sec. 62"

17

18 Page 99, line 31:

19 Delete "sec. 76"

20 Insert "sec. 77"

21

22 Page 100, line 1:

23 Delete "sec. 77"

24 Insert "sec. 78"

25

26 Page 100, line 2:

27 Delete "sec. 78"

28 Insert "sec. 79"

29

30 Page 100, line 3:

31 Delete "sec. 79"

1 Insert "sec. 80"

2

3 Page 100, line 4:

4 Delete "sec. 80"

5 Insert "sec. 81"

6

7 Page 100, line 5:

8 Delete "sec. 81"

9 Insert "sec. 82"

10

11 Page 100, line 6:

12 Delete "sec. 134"

13 Insert "sec. 135"

14

15 Page 100, line 7:

16 Delete "sec. 135"

17 Insert "sec. 136"

18

19 Page 100, line 10:

20 Delete "sec. 59"

21 Insert "sec. 60"

22

23 Page 100, line 11:

24 Delete "sec. 60"

25 Insert "sec. 61"

26

27 Page 100, line 12:

28 Delete "sec. 75"

29 Insert "sec. 76"

30

31 Page 100, line 13:

- 1 Delete "sec. 89"
- 2 Insert "sec. 90"
- 3
- 4 Page 100, line 14:
- 5 Delete "sec. 92"
- 6 Insert "sec. 93"
- 7
- 8 Page 100, line 15:
- 9 Delete "sec. 102"
- 10 Insert "sec. 103"
- 11
- 12 Page 100, line 16:
- 13 Delete "sec. 104"
- 14 Insert "sec. 105"
- 15
- 16 Page 100, line 17:
- 17 Delete "sec. 136"
- 18 Insert "sec. 137"
- 19
- 20 Page 100, line 18:
- 21 Delete "sec. 58"
- 22 Insert "sec. 59"
- 23
- 24 Page 100, line 20:
- 25 Delete "sec. 58"
- 26 Insert "sec. 59"
- 27
- 28 Page 100, line 24:
- 29 Delete "sec. 64"
- 30 Insert "sec. 65"
- 31

1 Page 100, line 25:

2 Delete "sec. 65"

3 Insert "sec. 66"

4

5 Page 100, line 26:

6 Delete "sec. 66"

7 Insert "sec. 67"

8

9 Page 100, line 27:

10 Delete "sec. 67"

11 Insert "sec. 68"

12

13 Page 100, line 29:

14 Delete "sec. 67"

15 Insert "sec. 68"

16

17 Page 101, line 1:

18 Delete "sec. 62"

19 Insert "sec. 63"

20

21 Page 101, line 2:

22 Delete "sec. 69"

23 Insert "sec. 70"

24

25 Page 101, line 5:

26 Delete "sec. 68"

27 Insert "sec. 69"

28

29 Page 101, line 6:

30 Delete "sec. 70"

31 Insert "sec. 71"

- 1
- 2 Page 101, line 7:
 - 3 Delete "sec. 71"
 - 4 Insert "sec. 72"
 - 5
- 6 Page 101, line 8:
 - 7 Delete "sec. 72"
 - 8 Insert "sec. 73"
 - 9
- 10 Page 101, line 9:
 - 11 Delete "sec. 74"
 - 12 Insert "sec. 75"
 - 13
- 14 Page 101, line 10:
 - 15 Delete "sec. 96"
 - 16 Insert "sec. 97"
 - 17
- 18 Page 101, line 11:
 - 19 Delete "sec. 97"
 - 20 Insert "sec. 98"
 - 21
- 22 Page 101, line 15:
 - 23 Delete "sec. 83"
 - 24 Insert "sec. 84"
 - 25
- 26 Page 101, line 16:
 - 27 Delete "sec. 84"
 - 28 Insert "sec. 85"
 - 29
- 30 Page 101, line 17:
 - 31 Delete "sec. 85"

- 1 Insert "sec. 86"
- 2
- 3 Page 101, line 18:
- 4 Delete "sec. 91"
- 5 Insert "sec. 92"
- 6
- 7 Page 101, line 21:
- 8 Delete "sec. 100"
- 9 Insert "sec. 101"
- 10
- 11 Page 101, line 22:
- 12 Delete "sec. 101"
- 13 Insert "sec. 102"
- 14
- 15 Page 101, line 23:
- 16 Delete "sec. 103"
- 17 Insert "sec. 104"
- 18
- 19 Page 101, line 24:
- 20 Delete "sec. 105"
- 21 Insert "sec. 106"
- 22
- 23 Page 101, line 25:
- 24 Delete "sec. 107"
- 25 Insert "sec. 108"
- 26
- 27 Page 101, line 26:
- 28 Delete "sec. 108"
- 29 Insert "sec. 109"
- 30
- 31 Page 101, line 27:

1 Delete "sec. 109"

2 Insert "sec. 110"

3

4 Page 101, line 28:

5 Delete "sec. 115"

6 Insert "sec. 116"

7

8 Page 101, line 29:

9 Delete "sec. 116"

10 Insert "sec. 117"

11

12 Page 101, line 30:

13 Delete "sec. 117"

14 Insert "sec. 118"

15

16 Page 101, line 31:

17 Delete "sec. 118"

18 Insert "sec. 119"

19

20 Page 102, line 1:

21 Delete "sec. 119"

22 Insert "sec. 120"

23

24 Page 102, line 2:

25 Delete "sec. 120"

26 Insert "sec. 121"

27

28 Page 102, line 3:

29 Delete "sec. 121"

30 Insert "sec. 122"

31

1 Page 102, line 4:

2 Delete "sec. 122"

3 Insert "sec. 123"

4

5 Page 102, line 5:

6 Delete "sec. 123"

7 Insert "sec. 124"

8

9 Page 102, line 6:

10 Delete "sec. 124"

11 Insert "sec. 125"

12

13 Page 102, line 7:

14 Delete "sec. 125"

15 Insert "sec. 126"

16

17 Page 102, line 8:

18 Delete "sec. 126"

19 Insert "sec. 127"

20

21 Page 102, line 9:

22 Delete "sec. 127"

23 Insert "sec. 128"

24

25 Page 102, line 10:

26 Delete "sec. 128"

27 Insert "sec. 129"

28

29 Page 102, line 11:

30 Delete "sec. 129"

31 Insert "sec. 130"

1

2 Page 102, line 12:

3 Delete "sec. 130"

4 Insert "sec. 131"

5

6 Page 102, line 13:

7 Delete "sec. 131"

8 Insert "sec. 132"

9

10 Page 102, line 14:

11 Delete "sec. 132"

12 Insert "sec. 133"

13

14 Page 102, line 15:

15 Delete "secs. 152 - 154"

16 Insert "secs. 153 - 155"

17

18 Page 102, line 16:

19 Delete "152 - 154"

20 Insert "153 - 155"

21

22 Page 102, line 20:

23 Delete "sec. 46"

24 Insert "sec. 47"

25

26 Page 102, line 21:

27 Delete "sec. 47"

28 Insert "sec. 48"

29

30 Page 102, line 22:

31 Delete "sec. 48"

- 1 Insert "sec. 49"
- 2
- 3 Page 102, line 23:
- 4 Delete "sec. 49"
- 5 Insert "sec. 50"
- 6
- 7 Page 102, line 24:
- 8 Delete "sec. 50"
- 9 Insert "sec. 51"
- 10
- 11 Page 102, line 25:
- 12 Delete "sec. 51"
- 13 Insert "sec. 52"
- 14
- 15 Page 102, line 26:
- 16 Delete "sec. 52"
- 17 Insert "sec. 53"
- 18
- 19 Page 102, line 27:
- 20 Delete "sec. 53"
- 21 Insert "sec. 54"
- 22
- 23 Page 102, line 28:
- 24 Delete "sec. 54"
- 25 Insert "sec. 55"
- 26
- 27 Page 102, line 29:
- 28 Delete "sec. 56"
- 29 Insert "sec. 57"
- 30
- 31 Page 102, line 30:

1 Delete "sec. 57"

2 Insert "sec. 58"

3

4 Page 102, line 31:

5 Delete "sec. 63"

6 Insert "sec. 64"

7

8 Page 103, line 1:

9 Delete "sec. 99"

10 Insert "sec. 100"

11

12 Page 103, line 2:

13 Delete "sec. 142"

14 Insert "sec. 143"

15

16 Page 103, line 6:

17 Delete "sec. 152"

18 Insert "sec. 153"

19

20 Page 103, line 8:

21 Delete "sec. 50"

22 Insert "sec. 51"

23 Delete "sec. 156(a)"

24 Insert "sec. 157(a)"

25

26 Page 103, line 11:

27 Delete "sec. 51"

28 Insert "sec. 52"

29 Delete "sec. 156(b)"

30 Insert "sec. 157(b)"

31

1 Page 103, line 14:

2 Delete "sec. 52"

3 Insert "sec. 53"

4 Delete "sec. 156(b)"

5 Insert "sec. 157(b)"

6

7 Page 103, line 17:

8 Delete "sec. 66"

9 Insert "sec. 67"

10 Delete "sec. 156(c)"

11 Insert "sec. 157(c)"

12

13 Page 103, line 20:

14 Delete "sec. 67"

15 Insert "sec. 68"

16 Delete "sec. 156(d)"

17 Insert "sec. 157(d)"

18

19 Page 103, line 23:

20 Delete "sec. 81"

21 Insert "sec. 82"

22 Delete "sec. 156(e)"

23 Insert "sec. 157(e)"

24

25 Page 103, line 26:

26 Delete "sec. 99"

27 Insert "sec. 100"

28 Delete "sec. 156(f)"

29 Insert "sec. 157(f)"

30

31 Page 103, lines 29 - 30:

1 Delete "28 - 40, 61, 62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and
2 155"

3 Insert "28 - 31, 33 - 41, 62, 63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 -
4 152, and 156"

5

6 Page 103, line 31, through page 104, line 1:

7 Delete "Sections 58 - 60, 66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and
8 136 - 140"

9 Insert "Sections 59 - 61, 67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, and 137
10 - 141"

11

12 Page 104, line 2:

13 Delete "sec. 152"

14 Insert "sec. 153"

15

16 Page 104, line 4:

17 Delete "41 - 57, 63, 99, 142, 152 - 154, and 156(f)"

18 Insert "42 - 58, 64, 100, 143, 153 - 155, and 157(f)"

AMENDMENT #9

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 1, line 2, following "sentencing;":

2 Insert "relating to treatment program credit for time spent toward service of a
3 sentence of imprisonment;"

4

5 Page 36, following line 14:

6 Insert a new bill section to read:

7 **** Sec. 62.** AS 12.55.027 is amended by adding a new subsection to read:

8 (f) To qualify as a treatment program under this section, a program must

9 (1) be intended to address criminogenic traits or behaviors;

10 (2) provide measures of progress or completion; and

11 (3) require notification to the court or probation officer of violations of
12 conditions of bail release or probation."

13

14 Renumber the following bill sections accordingly.

15

16 Page 97, line 29:

17 Delete "sec. 66"

18 Insert "sec. 67"

19

20 Page 98, line 1:

21 Delete "sec. 66"

22 Insert "sec. 67"

23

- 1 Page 98, line 2:
- 2 Delete "sec. 67"
- 3 Insert "sec. 68"
- 4
- 5 Page 98, line 5:
- 6 Delete "sec. 81"
- 7 Insert "sec. 82"
- 8
- 9 Page 98, line 8:
- 10 Delete "sec. 99"
- 11 Insert "sec. 100"
- 12
- 13 Page 99, following line 10:
- 14 Insert a new paragraph to read:
- 15 "(26) AS 12.55.027(f), enacted by sec. 62 of this Act;"
- 16
- 17 Renumber the following paragraphs accordingly.
- 18
- 19 Page 99, line 11:
- 20 Delete "sec. 86"
- 21 Insert "sec. 87"
- 22
- 23 Page 99, line 12:
- 24 Delete "sec. 87"
- 25 Insert "sec. 88"
- 26
- 27 Page 99, line 13:
- 28 Delete "sec. 93"
- 29 Insert "sec. 94"
- 30
- 31 Page 99, line 14:

- 1 Delete "sec. 94"
- 2 Insert "sec. 95"
- 3
- 4 Page 99, line 15:
- 5 Delete "sec. 95"
- 6 Insert "sec. 96"
- 7
- 8 Page 99, line 16:
- 9 Delete "sec. 148"
- 10 Insert "sec. 149"
- 11
- 12 Page 99, line 31:
- 13 Delete "sec. 76"
- 14 Insert "sec. 77"
- 15
- 16 Page 100, line 1:
- 17 Delete "sec. 77"
- 18 Insert "sec. 78"
- 19
- 20 Page 100, line 2:
- 21 Delete "sec. 78"
- 22 Insert "sec. 79"
- 23
- 24 Page 100, line 3:
- 25 Delete "sec. 79"
- 26 Insert "sec. 80"
- 27
- 28 Page 100, line 4:
- 29 Delete "sec. 80"
- 30 Insert "sec. 81"
- 31

- 1 Page 100, line 5:
- 2 Delete "sec. 81"
- 3 Insert "sec. 82"
- 4
- 5 Page 100, line 6:
- 6 Delete "sec. 134"
- 7 Insert "sec. 135"
- 8
- 9 Page 100, line 7:
- 10 Delete "sec. 135"
- 11 Insert "sec. 136"
- 12
- 13 Page 100, line 12:
- 14 Delete "sec. 75"
- 15 Insert "sec. 76"
- 16
- 17 Page 100, line 13:
- 18 Delete "sec. 89"
- 19 Insert "sec. 90"
- 20
- 21 Page 100, line 14:
- 22 Delete "sec. 92"
- 23 Insert "sec. 93"
- 24
- 25 Page 100, line 15:
- 26 Delete "sec. 102"
- 27 Insert "sec. 103"
- 28
- 29 Page 100, line 16:
- 30 Delete "sec. 104"
- 31 Insert "sec. 105"

- 1
- 2 Page 100, line 17:
 - 3 Delete "sec. 136"
 - 4 Insert "sec. 137"
- 5
- 6 Page 100, line 24:
 - 7 Delete "sec. 64"
 - 8 Insert "sec. 65"
- 9
- 10 Page 100, line 25:
 - 11 Delete "sec. 65"
 - 12 Insert "sec. 66"
- 13
- 14 Page 100, line 26:
 - 15 Delete "sec. 66"
 - 16 Insert "sec. 67"
- 17
- 18 Page 100, line 27:
 - 19 Delete "sec. 67"
 - 20 Insert "sec. 68"
- 21
- 22 Page 100, line 29:
 - 23 Delete "sec. 67"
 - 24 Insert "sec. 68"
- 25
- 26 Page 101, line 1:
 - 27 Delete "sec. 62"
 - 28 Insert "sec. 63"
- 29
- 30 Page 101, line 2:
 - 31 Delete "sec. 69"

- 1 Insert "sec. 70"
- 2
- 3 Page 101, line 5:
- 4 Delete "sec. 68"
- 5 Insert "sec. 69"
- 6
- 7 Page 101, line 6:
- 8 Delete "sec. 70"
- 9 Insert "sec. 71"
- 10
- 11 Page 101, line 7:
- 12 Delete "sec. 71"
- 13 Insert "sec. 72"
- 14
- 15 Page 101, line 8:
- 16 Delete "sec. 72"
- 17 Insert "sec. 73"
- 18
- 19 Page 101, line 9:
- 20 Delete "sec. 74"
- 21 Insert "sec. 75"
- 22
- 23 Page 101, line 10:
- 24 Delete "sec. 96"
- 25 Insert "sec. 97"
- 26
- 27 Page 101, line 11:
- 28 Delete "sec. 97"
- 29 Insert "sec. 98"
- 30
- 31 Page 101, line 15:

- 1 Delete "sec. 83"
- 2 Insert "sec. 84"
- 3
- 4 Page 101, line 16:
 - 5 Delete "sec. 84"
 - 6 Insert "sec. 85"
 - 7
- 8 Page 101, line 17:
 - 9 Delete "sec. 85"
 - 10 Insert "sec. 86"
 - 11
- 12 Page 101, line 18:
 - 13 Delete "sec. 91"
 - 14 Insert "sec. 92"
 - 15
- 16 Page 101, line 21:
 - 17 Delete "sec. 100"
 - 18 Insert "sec. 101"
 - 19
- 20 Page 101, line 22:
 - 21 Delete "sec. 101"
 - 22 Insert "sec. 102"
 - 23
- 24 Page 101, line 23:
 - 25 Delete "sec. 103"
 - 26 Insert "sec. 104"
 - 27
- 28 Page 101, line 24:
 - 29 Delete "sec. 105"
 - 30 Insert "sec. 106"
 - 31

- 1 Page 101, line 25:
- 2 Delete "sec. 107"
- 3 Insert "sec. 108"
- 4
- 5 Page 101, line 26:
- 6 Delete "sec. 108"
- 7 Insert "sec. 109"
- 8
- 9 Page 101, line 27:
- 10 Delete "sec. 109"
- 11 Insert "sec. 110"
- 12
- 13 Page 101, line 28:
- 14 Delete "sec. 115"
- 15 Insert "sec. 116"
- 16
- 17 Page 101, line 29:
- 18 Delete "sec. 116"
- 19 Insert "sec. 117"
- 20
- 21 Page 101, line 30:
- 22 Delete "sec. 117"
- 23 Insert "sec. 118"
- 24
- 25 Page 101, line 31:
- 26 Delete "sec. 118"
- 27 Insert "sec. 119"
- 28
- 29 Page 102, line 1:
- 30 Delete "sec. 119"
- 31 Insert "sec. 120"

- 1
- 2 Page 102, line 2:
 - 3 Delete "sec. 120"
 - 4 Insert "sec. 121"
 - 5
- 6 Page 102, line 3:
 - 7 Delete "sec. 121"
 - 8 Insert "sec. 122"
 - 9
- 10 Page 102, line 4:
 - 11 Delete "sec. 122"
 - 12 Insert "sec. 123"
 - 13
- 14 Page 102, line 5:
 - 15 Delete "sec. 123"
 - 16 Insert "sec. 124"
 - 17
- 18 Page 102, line 6:
 - 19 Delete "sec. 124"
 - 20 Insert "sec. 125"
 - 21
- 22 Page 102, line 7:
 - 23 Delete "sec. 125"
 - 24 Insert "sec. 126"
 - 25
- 26 Page 102, line 8:
 - 27 Delete "sec. 126"
 - 28 Insert "sec. 127"
 - 29
- 30 Page 102, line 9:
 - 31 Delete "sec. 127"

- 1 Insert "sec. 128"
- 2
- 3 Page 102, line 10:
- 4 Delete "sec. 128"
- 5 Insert "sec. 129"
- 6
- 7 Page 102, line 11:
- 8 Delete "sec. 129"
- 9 Insert "sec. 130"
- 10
- 11 Page 102, line 12:
- 12 Delete "sec. 130"
- 13 Insert "sec. 131"
- 14
- 15 Page 102, line 13:
- 16 Delete "sec. 131"
- 17 Insert "sec. 132"
- 18
- 19 Page 102, line 14:
- 20 Delete "sec. 132"
- 21 Insert "sec. 133"
- 22
- 23 Page 102, line 15:
- 24 Delete "secs. 152 - 154"
- 25 Insert "secs. 153 - 155"
- 26
- 27 Page 102, line 16:
- 28 Delete "152 - 154"
- 29 Insert "153 - 155"
- 30
- 31 Page 102, line 31:

- 1 Delete "sec. 63"
- 2 Insert "sec. 64"
- 3
- 4 Page 103, line 1:
 - 5 Delete "sec. 99"
 - 6 Insert "sec. 100"
 - 7
- 8 Page 103, line 2:
 - 9 Delete "sec. 142"
 - 10 Insert "sec. 143"
 - 11
- 12 Page 103, line 6:
 - 13 Delete "sec. 152"
 - 14 Insert "sec. 153"
 - 15
- 16 Page 103, line 8:
 - 17 Delete "sec. 156(a)"
 - 18 Insert "sec. 157(a)"
 - 19
- 20 Page 103, line 11:
 - 21 Delete "sec. 156(b)"
 - 22 Insert "sec. 157(b)"
 - 23
- 24 Page 103, line 14:
 - 25 Delete "sec. 156(b)"
 - 26 Insert "sec. 157(b)"
 - 27
- 28 Page 103, line 17:
 - 29 Delete "sec. 66"
 - 30 Insert "sec. 67"
 - 31 Delete "sec. 156(c)"

1 Insert "sec. 157(c)"

2

3 Page 103, line 20:

4 Delete "sec. 67"

5 Insert "sec. 68"

6 Delete "sec. 156(d)"

7 Insert "sec. 157(d)"

8

9 Page 103, line 23:

10 Delete "sec. 81"

11 Insert "sec. 82"

12 Delete "sec. 156(e)"

13 Insert "sec. 157(e)"

14

15 Page 103, line 26:

16 Delete "sec. 99"

17 Insert "sec. 100"

18 Delete "sec. 156(f)"

19 Insert "sec. 157(f)"

20

21 Page 103, lines 29 - 30:

22 Delete "65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

23 Insert "63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"

24

25 Page 103, line 31, through page 104, line 1:

26 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"

27 Insert "67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, and 137 - 141"

28

29 Page 104, line 2:

30 Delete "sec. 152"

31 Insert "sec. 153"

1

2 Page 104, line 4:

3 Delete "63, 99, 142, 152 - 154, and 156(f)"

4 Insert "64, 100, 143, 153 - 155, and 157(f)"

AMENDMENT # 10

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 205(), Draft Version "H"

1 Page 36, lines 1 - 14:

2 Delete all material and insert:

3 **** Sec. 61.** AS 12.55.025(k) is amended to read:

4 (k) If a defendant intends to claim credit under AS 12.55.027 toward a
5 sentence of imprisonment for time spent in a [TREATMENT] program as a condition
6 of bail in connection with an offense for which the defendant is being sentenced, the
7 defendant shall file notice with the court and the prosecutor 10 days before the
8 sentencing hearing. The notice shall include the number of days the defendant is
9 claiming. The defendant must prove by a preponderance of evidence that the
10 requirements of AS 12.55.027 are met before credit may be awarded. Except as
11 provided in (l) of this section, except for good cause, a court may not consider a
12 request for credit made under this subsection more than 90 days after the sentencing
13 hearing.

14 *** Sec. 62.** AS 12.55.025(l) is amended to read:

15 (l) If a defendant intends to claim credit under AS 12.55.027 toward a
16 sentence of imprisonment for time spent in a [TREATMENT] program as a condition
17 of bail while pending appeal, the defendant shall file notice with the court and the
18 prosecutor not later than 90 days after return of the case to the trial court following
19 appeal. The notice shall include the number of days the defendant is claiming. The
20 defendant must prove by a preponderance of evidence that the requirements of
21 AS 12.55.027 are met before credit may be awarded. Except for good cause, the court
22 may not consider a request for credit made under this subsection after the deadline.

23 *** Sec. 63.** AS 12.55.027(a) is amended to read:

1 (a) A court may grant a defendant credit toward a sentence of imprisonment
2 for time spent in a [TREATMENT] program **that furthers the reformation and**
3 **rehabilitation of the defendant if the court finds that the program places a**
4 **substantial restriction on the defendant's freedom of movement and behavior and**
5 **is consistent with** [OR UNDER ELECTRONIC MONITORING ONLY AS
6 PROVIDED IN] this section.

7 * Sec. 64. AS 12.55.027(b) is amended to read:

8 (b) A court may **only grant credit under this section** [A DEFENDANT ONE
9 DAY OF CREDIT TOWARD A SENTENCE OF IMPRISONMENT FOR EACH
10 FULL DAY THE DEFENDANT RESIDED IN THE FACILITY OF A
11 TREATMENT PROGRAM AND OBSERVED THE RULES OF THE
12 TREATMENT PROGRAM AND THE FACILITY IF]

13 (1) **in the amount of one day of credit toward a sentence of**
14 **imprisonment for each full day the defendant spent in a reformation and**
15 **rehabilitation program; and** [THE COURT FINDS THAT THE TREATMENT
16 PROGRAM MEETS THE STANDARDS DESCRIBED IN (c) OF THIS SECTION;]

17 (2) **if the court ordered** [BEFORE] the defendant [ENTERED THE
18 TREATMENT PROGRAM, THE COURT ORDERED THE DEFENDANT] to
19 [RESIDE IN THE FACILITY OF THE TREATMENT PROGRAM AND] participate
20 in **and comply with the conditions of the reformation and rehabilitation** [THE
21 TREATMENT] program **before the defendant entered the program** [AS A
22 CONDITION OF BAIL RELEASE OR A CONDITION OF PROBATION; AND

23 (3) THE COURT HAS RECEIVED A WRITTEN REPORT FROM
24 THE DIRECTOR OF THE PROGRAM THAT

25 (A) STATES THAT THE DEFENDANT HAS
26 PARTICIPATED IN THE TREATMENT PLAN PRESCRIBED FOR THE
27 DEFENDANT AND HAS COMPLIED WITH THE REQUIREMENTS OF
28 THE PLAN; AND

29 (B) SETS OUT THE NUMBER OF FULL DAYS THE
30 DEFENDANT RESIDED IN THE FACILITY OF THE TREATMENT
31 PROGRAM AND OBSERVED THE RULES OF THE TREATMENT

PROGRAM AND FACILITY].

* Sec. 65. AS 12.55.027(c) is repealed and reenacted to read:

(c) In granting credit toward a sentence of imprisonment for time spent in a reformation and rehabilitation program, a court shall consider the following factors:

(1) the restrictions on the defendant's freedom of movement and behavior;

(2) the circumstances under which the defendant was enrolled in the program;

(3) the residency requirements of the program;

(4) the physical custody and supervision of the defendant at the program;

(5) the circumstances under which the defendant is permitted to leave the program's facility;

(6) the rules of the program and the requirement that the defendant obey the orders of persons who have immediate custody or control over the defendant;

(7) the sanctions on the defendant for violating the program's rules or orders;

(8) whether the defendant is subject to arrest for leaving the program's facility without permission;

(9) the use of an electronic monitoring device;

(10) whether the program provides substance abuse treatment;

(11) the use of other technology that monitors or restricts the defendant's movement and behavior;

(12) other factors that support the court's finding that the program places a substantial restriction on the defendant's freedom of movement and behavior;

(13) other factors that support the court's finding that the program furthers the reformation and rehabilitation of the defendant."

Renumber the following bill sections accordingly.

Page 99, line 30:

1 Delete all material and insert:

2 "(1) AS 12.55.025(k), as amended by sec. 61 of this Act;

3 (2) AS 12.55.025(l), as amended by sec. 62 of this Act;

4 (3) AS 12.55.027(a), as amended by sec. 63 of this Act;

5 (4) AS 12.55.027(b), as amended by sec. 64 of this Act;

6 (5) AS 12.55.027(c), as repealed and reenacted by sec. 65 of this Act;"

7

8 Renumber the following paragraphs accordingly.

9

10 Page 97, line 29:

11 Delete "sec. 66"

12 Insert "sec. 70"

13

14 Page 98, line 1:

15 Delete "sec. 66"

16 Insert "sec. 70"

17

18 Page 98, line 2:

19 Delete "sec. 67"

20 Insert "sec. 71"

21

22 Page 98, line 5:

23 Delete "sec. 81"

24 Insert "sec. 85"

25

26 Page 98, line 8:

27 Delete "sec. 99"

28 Insert "sec. 103"

29

30 Page 99, line 11:

31 Delete "sec. 86"

1 Insert "sec. 90"

2

3 Page 99, line 12:

4 Delete "sec. 87"

5 Insert "sec. 91"

6

7 Page 99, line 13:

8 Delete "sec. 93"

9 Insert "sec. 97"

10

11 Page 99, line 14:

12 Delete "sec. 94"

13 Insert "sec. 98"

14

15 Page 99, line 15:

16 Delete "sec. 95"

17 Insert "sec. 99"

18

19 Page 99, line 16:

20 Delete "sec. 148"

21 Insert "sec. 152"

22

23 Page 99, line 31:

24 Delete "sec. 76"

25 Insert "sec. 80"

26

27 Page 100, line 1:

28 Delete "sec. 77"

29 Insert "sec. 81"

30

31 Page 100, line 2:

- 1 Delete "sec. 78"
- 2 Insert "sec. 82"
- 3
- 4 Page 100, line 3:
 - 5 Delete "sec. 79"
 - 6 Insert "sec. 83"
 - 7
- 8 Page 100, line 4:
 - 9 Delete "sec. 80"
 - 10 Insert "sec. 84"
 - 11
- 12 Page 100, line 5:
 - 13 Delete "sec. 81"
 - 14 Insert "sec. 85"
 - 15
- 16 Page 100, line 6:
 - 17 Delete "sec. 134"
 - 18 Insert "sec. 138"
 - 19
- 20 Page 100, line 7:
 - 21 Delete "sec. 135"
 - 22 Insert "sec. 139"
 - 23
- 24 Page 100, line 12:
 - 25 Delete "sec. 75"
 - 26 Insert "sec. 79"
 - 27
- 28 Page 100, line 13:
 - 29 Delete "sec. 89"
 - 30 Insert "sec. 93"
 - 31

- 1 Page 100, line 14:
- 2 Delete "sec. 92"
- 3 Insert "sec. 96"
- 4
- 5 Page 100, line 15:
- 6 Delete "sec. 102"
- 7 Insert "sec. 106"
- 8
- 9 Page 100, line 16:
- 10 Delete "sec. 104"
- 11 Insert "sec. 108"
- 12
- 13 Page 100, line 17:
- 14 Delete "sec. 136"
- 15 Insert "sec. 140"
- 16
- 17 Page 100, line 24:
- 18 Delete "sec. 64"
- 19 Insert "sec. 68"
- 20
- 21 Page 100, line 25:
- 22 Delete "sec. 65"
- 23 Insert "sec. 69"
- 24
- 25 Page 100, line 26:
- 26 Delete "sec. 66"
- 27 Insert "sec. 70"
- 28
- 29 Page 100, line 27:
- 30 Delete "sec. 67"
- 31 Insert "sec. 71"

- 1
- 2 Page 100, line 29:
 - 3 Delete "sec. 67"
 - 4 Insert "sec. 71"
- 5
- 6 Page 101, line 1:
 - 7 Delete "sec. 62"
 - 8 Insert "sec. 66"
- 9
- 10 Page 101, line 2:
 - 11 Delete "sec. 69"
 - 12 Insert "sec. 73"
- 13
- 14 Page 101, line 5:
 - 15 Delete "sec. 68"
 - 16 Insert "sec. 72"
- 17
- 18 Page 101, line 6:
 - 19 Delete "sec. 70"
 - 20 Insert "sec. 74"
- 21
- 22 Page 101, line 7:
 - 23 Delete "sec. 71"
 - 24 Insert "sec. 75"
- 25
- 26 Page 101, line 8:
 - 27 Delete "sec. 72"
 - 28 Insert "sec. 76"
- 29
- 30 Page 101. line 9:
 - 31 Delete "sec. 74"

- 1 Insert "sec. 78"
- 2
- 3 Page 101, line 10:
- 4 Delete "sec. 96"
- 5 Insert "sec. 100"
- 6
- 7 Page 101, line 11:
- 8 Delete "sec. 97"
- 9 Insert "sec. 101"
- 10
- 11 Page 101, line 15:
- 12 Delete "sec. 83"
- 13 Insert "sec. 87"
- 14
- 15 Page 101, line 16:
- 16 Delete "sec. 84"
- 17 Insert "sec. 88"
- 18
- 19 Page 101, line 17:
- 20 Delete "sec. 85"
- 21 Insert "sec. 89"
- 22
- 23 Page 101, line 18:
- 24 Delete "sec. 91"
- 25 Insert "sec. 95"
- 26
- 27 Page 101, line 21:
- 28 Delete "sec. 100"
- 29 Insert "sec. 104"
- 30
- 31 Page 101, line 22:

- 1 Delete "sec. 101"
- 2 Insert "sec. 105"
- 3
- 4 Page 101, line 23:
- 5 Delete "sec. 103"
- 6 Insert "sec. 107"
- 7
- 8 Page 101, line 24:
- 9 Delete "sec. 105"
- 10 Insert "sec. 109"
- 11
- 12 Page 101, line 25:
- 13 Delete "sec. 107"
- 14 Insert "sec. 111"
- 15
- 16 Page 101, line 26:
- 17 Delete "sec. 108"
- 18 Insert "sec. 112"
- 19
- 20 Page 101, line 27:
- 21 Delete "sec. 109"
- 22 Insert "sec. 113"
- 23
- 24 Page 101, line 28:
- 25 Delete "sec. 115"
- 26 Insert "sec. 119"
- 27
- 28 Page 101, line 29:
- 29 Delete "sec. 116"
- 30 Insert "sec. 120"
- 31

- 1 Page 101, line 30:
- 2 Delete "sec. 117"
- 3 Insert "sec. 121"
- 4
- 5 Page 101, line 31:
- 6 Delete "sec. 118"
- 7 Insert "sec. 122"
- 8
- 9 Page 102, line 1:
- 10 Delete "sec. 119"
- 11 Insert "sec. 123"
- 12
- 13 Page 102, line 2:
- 14 Delete "sec. 120"
- 15 Insert "sec. 124"
- 16
- 17 Page 102, line 3:
- 18 Delete "sec. 121"
- 19 Insert "sec. 125"
- 20
- 21 Page 102, line 4:
- 22 Delete "sec. 122"
- 23 Insert "sec. 126"
- 24
- 25 Page 102, line 5:
- 26 Delete "sec. 123"
- 27 Insert "sec. 127"
- 28
- 29 Page 102, line 6:
- 30 Delete "sec. 124"
- 31 Insert "sec. 128"

- 1
- 2 Page 102, line 7:
 - 3 Delete "sec. 125"
 - 4 Insert "sec. 129"
 - 5
- 6 Page 102, line 8:
 - 7 Delete "sec. 126"
 - 8 Insert "sec. 130"
 - 9
- 10 Page 102, line 9:
 - 11 Delete "sec. 127"
 - 12 Insert "sec. 131"
 - 13
- 14 Page 102, line 10:
 - 15 Delete "sec. 128"
 - 16 Insert "sec. 132"
 - 17
- 18 Page 102, line 11:
 - 19 Delete "sec. 129"
 - 20 Insert "sec. 133"
 - 21
- 22 Page 102, line 12:
 - 23 Delete "sec. 130"
 - 24 Insert "sec. 134"
 - 25
- 26 Page 102, line 13:
 - 27 Delete "sec. 131"
 - 28 Insert "sec. 135"
 - 29
- 30 Page 102, line 14:
 - 31 Delete "sec. 132"

1 Insert "sec. 136"

2

3 Page 102, line 15:

4 Delete "secs. 152 - 154"

5 Insert "secs. 156 - 158"

6

7 Page 102, line 16:

8 Delete "152 - 154"

9 Insert "156 - 158"

10

11 Page 102, line 31:

12 Delete "sec. 63"

13 Insert "sec. 67"

14

15 Page 103, line 1:

16 Delete "sec. 99"

17 Insert "sec. 103"

18

19 Page 103, line 2:

20 Delete "sec. 142"

21 Insert "sec. 146"

22

23 Page 103, line 6:

24 Delete "sec. 152"

25 Insert "sec. 156"

26

27 Page 103, line 8:

28 Delete "sec. 156(a)"

29 Insert "sec. 160(a)"

30

31 Page 103, line 11:

1 Delete "sec. 156(b)"

2 Insert "sec. 160(b)"

3

4 Page 103, line 14:

5 Delete "sec. 156(b)"

6 Insert "sec. 160(b)"

7

8 Page 103, line 17:

9 Delete "sec. 66"

10 Insert "sec. 70"

11 Delete "sec. 156(c)"

12 Insert "sec. 160(c)"

13

14 Page 103, line 20:

15 Delete "sec. 67"

16 Insert "sec. 71"

17 Delete "sec. 156(d)"

18 Insert "sec. 160(d)"

19

20 Page 103, line 23:

21 Delete "sec. 81"

22 Insert "sec. 85"

23 Delete "sec. 156(e)"

24 Insert "sec. 160(e)"

25

26 Page 103, line 26:

27 Delete "sec. 99"

28 Insert "sec. 103"

29 Delete "sec. 156(f)"

30 Insert "sec. 160(f)"

31

1 Page 103, lines 29 - 30:

2 Delete "62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

3 Insert "66, 69, 71, 73, 77, 80 - 92, 95, 97 - 99, 138, 139, 147 - 155, and 159"

4

5 Page 103, line 31, through page 104, line 1:

6 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"

7 Insert "70, 72, 74 - 76, 78, 79, 93, 94, 96, 100 - 102, 104 - 137, and 140 - 144"

8

9 Page 104, line 2:

10 Delete "sec. 152"

11 Insert "sec. 156"

12

13 Page 104, line 4:

14 Delete "63, 99, 142, 152 - 154, and 156(f)"

15 Insert "67, 103, 146, 156 - 158, and 160(f)"

AMENDMENT # 11

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

- 1 Page 82, line 13, following "plan":
- 2 Insert "receives a positive recommendation from the supervisor of the prisoner's
- 3 treatment program"

AMENDMENT *12

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 63, line 26:

2 Delete "; and"

3 Insert ";

4 (4) require that a defendant charged with an offense involving the use
5 of alcohol or controlled substances comply with a program established under
6 AS 47.38.020; and"

7

8 Renumber the following paragraph accordingly.

9

10 Page 76, line 11:

11 Delete "probation"

12 Insert "parole [PROBATION]"

13

14 Page 76, following line 17:

15 Insert a new bill section to read:

16 **** Sec. 122.** AS 33.16.150 is amended by adding a new subsection to read:

17 (h) In addition to other conditions of parole imposed under this section, for a
18 prisoner serving a sentence for an offense involving the use of alcohol or controlled
19 substances, the board may impose, as a condition of special medical, administrative,
20 discretionary, or mandatory parole, a requirement that the prisoner comply with a
21 program established under AS 33.16.060(c) or AS 47.38.020. The board may require a
22 prisoner serving a period of parole and complying with a program established under
23 AS 33.16.060(c) or AS 47.38.020 to pay all or a portion of the costs associated with

1 the program."

2

3 Renumber the following bill sections accordingly.

4

5 Page 99, line 16:

6 Delete "sec. 148"

7 Insert "sec. 149"

8

9 Page 100, line 6:

10 Delete "sec. 134"

11 Insert "sec. 135"

12

13 Page 100, line 7:

14 Delete "sec. 135"

15 Insert "sec. 136"

16

17 Page 100, line 17:

18 Delete "sec. 136"

19 Insert "sec. 137"

20

21 Page 102, following line 3:

22 Insert a new paragraph to read:

23 "(15) AS 33.16.150(h), enacted by sec. 122 of this Act;"

24

25 Renumber the following paragraphs accordingly.

26

27 Page 102, line 4:

28 Delete "sec. 122"

29 Insert "sec. 123"

30

31 Page 102, line 5:

- 1 Delete "sec. 123"
- 2 Insert "sec. 124"
- 3
- 4 Page 102, line 6:
- 5 Delete "sec. 124"
- 6 Insert "sec. 125"
- 7
- 8 Page 102, line 7:
- 9 Delete "sec. 125"
- 10 Insert "sec. 126"
- 11
- 12 Page 102, line 8:
- 13 Delete "sec. 126"
- 14 Insert "sec. 127"
- 15
- 16 Page 102, line 9:
- 17 Delete "sec. 127"
- 18 Insert "sec. 128"
- 19
- 20 Page 102, line 10:
- 21 Delete "sec. 128"
- 22 Insert "sec. 129"
- 23
- 24 Page 102, line 11:
- 25 Delete "sec. 129"
- 26 Insert "sec. 130"
- 27
- 28 Page 102, line 12:
- 29 Delete "sec. 130"
- 30 Insert "sec. 131"
- 31

- 1 Page 102, line 13:
- 2 Delete "sec. 131"
- 3 Insert "sec. 132"
- 4
- 5 Page 102, line 14:
- 6 Delete "sec. 132"
- 7 Insert "sec. 133"
- 8
- 9 Page 102, line 15:
- 10 Delete "secs. 152 - 154"
- 11 Insert "secs. 153 - 155"
- 12
- 13 Page 102, line 16:
- 14 Delete "152 - 154"
- 15 Insert "153 - 155"
- 16
- 17 Page 103, line 2:
- 18 Delete "sec. 142"
- 19 Insert "sec. 143"
- 20
- 21 Page 103, line 6:
- 22 Delete "sec. 152"
- 23 Insert "sec. 153"
- 24
- 25 Page 103, line 8:
- 26 Delete "sec. 156(a)"
- 27 Insert "sec. 157(a)"
- 28
- 29 Page 103, line 11:
- 30 Delete "sec. 156(b)"
- 31 Insert "sec. 157(b)"

- 1
- 2 **Page 103, line 14:**
- 3 Delete "sec. 156(b)"
- 4 Insert "sec. 157(b)"
- 5
- 6 **Page 103, line 17:**
- 7 Delete "sec. 156(c)"
- 8 Insert "sec. 157(c)"
- 9
- 10 **Page 103, line 20:**
- 11 Delete "sec. 156(d)"
- 12 Insert "sec. 157(d)"
- 13
- 14 **Page 103, line 23:**
- 15 Delete "sec. 156(e)"
- 16 Insert "sec. 157(e)"
- 17
- 18 **Page 103, line 26:**
- 19 Delete "sec. 156(f)"
- 20 Insert "sec. 157(f)"
- 21
- 22 **Page 103, lines 29 - 30:**
- 23 Delete "134, 135, 143 - 151, and 155"
- 24 Insert "135, 136, 144 - 152, and 157"
- 25
- 26 **Page 103, line 31, through page 104, line 1:**
- 27 Delete "100 - 133, and 136 - 140"
- 28 Insert "100 - 134, and 137 - 141"
- 29
- 30 **Page 104, line 2:**
- 31 Delete "sec. 152"

- 1 Insert "sec. 153"
- 2
- 3 Page 104, line 4:
- 4 Delete "142, 152 - 154, and 156(f)"
- 5 Insert "143, 153 - 155, and 157(f)"

AMENDMENT #13

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 96, following line 21:

2 Insert a new bill section to read:

3 **** Sec. 152.** AS 47.38.020(d) is repealed and reenacted to read:

4 (d) The department may, in accordance with AS 36.30, procure and enter into
5 agreements or contracts to establish and implement the program and testing required
6 under (a) - (c) of this section."
7

8 Renumber the following bill sections accordingly.
9

10 Page 102, line 15:

11 Delete "secs. 152 - 154"

12 Insert "secs. 153 - 155"
13

14 Page 102, line 16:

15 Delete "152 - 154"

16 Insert "153 - 155"
17

18 Page 103, line 6:

19 Delete "sec. 152"

20 Insert "sec. 153"
21

22 Page 103, line 8:

23 Delete "sec. 156(a)"

- 1 Insert "sec. 157(a)"
- 2
- 3 Page 103, line 11:
- 4 Delete "sec. 156(b)"
- 5 Insert "sec. 157(b)"
- 6
- 7 Page 103, line 14:
- 8 Delete "sec. 156(b)"
- 9 Insert "sec. 157(b)"
- 10
- 11 Page 103, line 17:
- 12 Delete "sec. 156(c)"
- 13 Insert "sec. 157(c)"
- 14
- 15 Page 103, line 20:
- 16 Delete "sec. 156(d)"
- 17 Insert "sec. 157(d)"
- 18
- 19 Page 103, line 23:
- 20 Delete "sec. 156(e)"
- 21 Insert "sec. 157(e)"
- 22
- 23 Page 103, line 26:
- 24 Delete "sec. 156(f)"
- 25 Insert "sec. 157(f)"
- 26
- 27 Page 103, line 30:
- 28 Delete "143 - 151, and 155"
- 29 Insert "143 - 152, and 156"
- 30
- 31 Page 104, line 2:

- 1 Delete "sec. 152"
- 2 Insert "sec. 153"
- 3
- 4 Page 104, line 4:
- 5 Delete "152 - 154, and 156(f)"
- 6 Insert "153 - 155, and 157(f)"

AMENDMENT #14

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 98, following line 12:

2 Insert a new bill section to read:

3 **** Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING**
6 **RESTITUTION.** The Alaska Criminal Justice Commission established in AS 44.19.641 shall
7 submit to the governor and the legislature not later than December 1, 2016, a report regarding
8 the implementation of a financial recovery and victim's restitution program. The Alaska
9 Criminal Justice Commission shall deliver the report to the senate secretary and the chief
10 clerk of the house of representatives and notify the legislature that the report is available. The
11 Alaska Criminal Justice Commission shall make recommendations for statutory changes to
12 improve the payment and collection of victim's restitution. The report must include
13 recommendations regarding restitution for crimes against a person and for property crimes
14 against businesses and members of the public."

15

16 Renumber the following bill sections accordingly.

AMENDMENT #15

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 98, following line 12:

2 Insert a new bill section to read:

3 **** Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 REPORT ON OFFENSES OF DRIVING WHILE INTOXICATED, REFUSAL OF A
6 CHEMICAL TEST, AND DRIVING WITHOUT A VALID DRIVER'S LICENSE. The
7 Alaska Criminal Justice Commission, established in AS 44.19.641, shall submit to the
8 governor and to the legislature, not later than December 1, 2016, a report regarding the
9 effectiveness of the penalties, fines, and reformatory and rehabilitative measures under state
10 law for the offenses of driving while intoxicated, refusal to submit to a chemical test, and
11 driving without a valid driver's license. The Alaska Criminal Justice Commission shall deliver
12 the report to the senate secretary and the chief clerk of the house of representatives and notify
13 the legislature that the report is available. The Alaska Criminal Justice Commission shall
14 include in the report an opinion on whether the penalties, fines, and reformatory and
15 rehabilitative measures under state law for the offenses of driving while under the influence,
16 refusal to submit to a chemical test, and driving without a valid driver's license reduce
17 recidivism, promote rehabilitation and protect the public. The Alaska Criminal Justice
18 Commission shall propose statutory changes for those offenses to reduce recidivism, promote
19 rehabilitation, and protect the public."

20

21 Renumber the following bill sections accordingly.

AMENDMENT #16

OFFERED IN THE HOUSE BY REPRESENTATIVE LYNN BY REQUEST
TO: CSHB 205(), Draft Version "H"

1 Page 34, following line 21:

2 Insert a new bill section to read:

3 **** Sec. 59.** AS 12.55.011 is amended by adding a new subsection to read:

4 (b) At the time of sentencing, the court shall provide the victim with a form
5 that

6 (1) provides information on

7 (A) whom the victim should contact if the victim has questions
8 about the sentence or release of the offender;

9 (B) the potential for release of the offender on furlough,
10 probation, or parole or for good time credit; and

11 (2) allows the victim to update the victim's contact information with
12 the court, the Victim Information and Notification Everyday service, and with the
13 Department of Corrections."

14

15 Renumber the following bill sections accordingly.

16

17 Page 77, line 4:

18 Delete "and"

19

20 Page 77, line 24, following "sanction":

21 Insert "; and

22 (10) within 30 days after sentencing of an offender, provide the
23 victim of a crime information on the earliest dates the offender could be released

1 **on furlough, probation, or parole, including deductions or reductions for good**
2 **time or other good conduct incentives and the process for release, including**
3 **contact information for the decision-making bodies"**

4
5 Page 97, line 29:

6 Delete "sec. 66"

7 Insert "sec. 67"

8

9 Page 98, line 1:

10 Delete "sec. 66"

11 Insert "sec. 67"

12

13 Page 98, line 2:

14 Delete "sec. 67"

15 Insert "sec. 68"

16

17 Page 98, line 5:

18 Delete "sec. 81"

19 Insert "sec. 82"

20

21 Page 98, line 8:

22 Delete "sec. 99"

23 Insert "sec. 100"

24

25 Page 99, line 11:

26 Delete "86"

27 Insert "87"

28

29 Page 99, line 12:

30 Delete "sec. 87"

31 Insert "sec. 88"

1

2 Page 99, line 13:

3 Delete "sec. 93"

4 Insert "sec. 94"

5

6 Page 99, line 14:

7 Delete "sec. 94"

8 Insert "sec. 95"

9

10 Page 99, line 15:

11 Delete "sec. 95"

12 Insert "sec. 96"

13

14 Page 99, line 16:

15 Delete "sec. 148"

16 Insert "sec. 149"

17

18 Page 99, line 30:

19 Delete "sec. 61"

20 Insert "sec. 62"

21

22 Page 99, line 31:

23 Delete "sec. 76"

24 Insert "sec. 77"

25

26 Page 100, line 1:

27 Delete "sec. 77"

28 Insert "sec. 78"

29

30 Page 100, line 2:

31 Delete "sec. 78"

1 Insert "sec. 79"

2

3 Page 100, line 3:

4 Delete "sec. 79"

5 Insert "sec. 80"

6

7 Page 100, line 4:

8 Delete "sec. 80"

9 Insert "sec. 81"

10

11 Page 100, line 5:

12 Delete "sec. 81"

13 Insert "sec. 82"

14

15 Page 100, line 6:

16 Delete "sec. 134"

17 Insert "sec. 135"

18

19 Page 100, line 7:

20 Delete "sec. 135"

21 Insert "sec. 136"

22

23 Page 100, line 10:

24 Delete "sec. 59"

25 Insert "sec. 60"

26

27 Page 100, line 11:

28 Delete "sec. 60"

29 Insert "sec. 61"

30

31 Page 100, line 12:

1 Delete "sec. 75"

2 Insert "sec. 76"

3

4 Page 100, line 13:

5 Delete "sec. 89"

6 Insert "sec. 90"

7

8 Page 100, line 14:

9 Delete "sec. 92"

10 Insert "sec. 93"

11

12 Page 100, line 15:

13 Delete "sec. 102"

14 Insert "sec. 103"

15

16 Page 100, line 16:

17 Delete "sec. 104"

18 Insert "sec. 105"

19

20 Page 100, line 17:

21 Delete "sec. 136"

22 Insert "sec. 137"

23

24 Page 100, line 24:

25 Delete "sec. 64"

26 Insert "sec. 65"

27

28 Page 100, line 25:

29 Delete "sec. 65"

30 Insert "sec. 66"

31

- 1 Page 100, line 26:
- 2 Delete "sec. 66"
- 3 Insert "sec. 67"
- 4
- 5 Page 100, line 27:
- 6 Delete "sec. 67"
- 7 Insert "sec. 68"
- 8
- 9 Page 100, line 29:
- 10 Delete "sec. 67"
- 11 Insert "sec. 68"
- 12
- 13 Page 101, line 1:
- 14 Delete "sec. 62"
- 15 Insert "sec. 63"
- 16
- 17 Page 101, line 2:
- 18 Delete "sec. 69"
- 19 Insert "sec. 70"
- 20
- 21 Page 101, line 5:
- 22 Delete "sec. 68"
- 23 Insert "sec. 69"
- 24
- 25 Page 101, line 6:
- 26 Delete "sec. 70"
- 27 Insert "sec. 71"
- 28
- 29 Page 101, line 7:
- 30 Delete "sec. 71"
- 31 Insert "sec. 72"

1

2 Page 101, line 8:

3 Delete "sec. 72"

4 Insert "sec. 73"

5

6 Page 101, line 9:

7 Delete "sec. 74"

8 Insert "sec. 75"

9

10 Page 101, line 10:

11 Delete "sec. 96"

12 Insert "sec. 97"

13

14 Page 101, line 11:

15 Delete "sec. 97"

16 Insert "sec. 98"

17

18 Page 101, line 15:

19 Delete "sec. 83"

20 Insert "sec. 84"

21

22 Page 101, line 16:

23 Delete "sec. 84"

24 Insert "sec. 85"

25

26 Page 101, line 17:

27 Delete "sec. 85"

28 Insert "sec. 86"

29

30 Page 101, line 18:

31 Delete "sec. 91"

- 1 Insert "sec. 92"
- 2
- 3 Page 101, line 21:
- 4 Delete "sec. 100"
- 5 Insert "sec. 101"
- 6
- 7 Page 101, line 22:
- 8 Delete "sec. 101"
- 9 Insert "sec. 102"
- 10
- 11 Page 101, line 23:
- 12 Delete "sec. 103"
- 13 Insert "sec. 104"
- 14
- 15 Page 101, line 24:
- 16 Delete "sec. 105"
- 17 Insert "sec. 106"
- 18
- 19 Page 101, line 25:
- 20 Delete "sec. 107"
- 21 Insert "sec. 108"
- 22
- 23 Page 101, line 26:
- 24 Delete "sec. 108"
- 25 Insert "sec. 109"
- 26
- 27 Page 101, line 27:
- 28 Delete "sec. 109"
- 29 Insert "sec. 110"
- 30
- 31 Page 101, line 28:

- 1 Delete "sec. 115"
- 2 Insert "sec. 116"
- 3
- 4 Page 101, line 29:
- 5 Delete "sec. 116"
- 6 Insert "sec. 117"
- 7
- 8 Page 101, line 30:
- 9 Delete "sec. 117"
- 10 Insert "sec. 118"
- 11
- 12 Page 101, line 31:
- 13 Delete "sec. 118"
- 14 Insert "sec. 119"
- 15
- 16 Page 102, line 1:
- 17 Delete "sec. 119"
- 18 Insert "sec. 120"
- 19
- 20 Page 102, line 2:
- 21 Delete "sec. 120"
- 22 Insert "sec. 121"
- 23
- 24 Page 102, line 3:
- 25 Delete "sec. 121"
- 26 Insert "sec. 122"
- 27
- 28 Page 102, line 4:
- 29 Delete "sec. 122"
- 30 Insert "sec. 123"
- 31

1 Page 102, line 5:

2 Delete "sec. 123"

3 Insert "sec. 124"

4

5 Page 102, line 6:

6 Delete "sec. 124"

7 Insert "sec. 125"

8

9 Page 102, line 7:

10 Delete "sec. 125"

11 Insert "sec. 126"

12

13 Page 102, line 8:

14 Delete "sec. 126"

15 Insert "sec. 127"

16

17 Page 102, line 9:

18 Delete "sec. 127"

19 Insert "sec. 128"

20

21 Page 102, line 10:

22 Delete "sec. 128"

23 Insert "sec. 129"

24

25 Page 102, line 11:

26 Delete "sec. 129"

27 Insert "sec. 130"

28

29 Page 102, line 12:

30 Delete "sec. 130"

31 Insert "sec. 131"

- 1
- 2 Page 102, line 13:
 - 3 Delete "sec. 131"
 - 4 Insert "sec. 132"
 - 5
- 6 Page 102, line 14:
 - 7 Delete "sec. 132"
 - 8 Insert "sec. 133"
 - 9
- 10 Page 102, line 15:
 - 11 Delete "secs. 152 - 154"
 - 12 Insert "secs. 153 - 155"
 - 13
- 14 Page 102, line 16:
 - 15 Delete "152 - 154"
 - 16 Insert "153 - 155"
 - 17
- 18 Page 102, line 31:
 - 19 Delete "sec. 63"
 - 20 Insert "sec. 64"
 - 21
- 22 Page 103, line 1:
 - 23 Delete "sec. 99"
 - 24 Insert "sec. 100"
 - 25
- 26 Page 103, line 2:
 - 27 Delete "sec. 142"
 - 28 Insert "sec. 143"
 - 29
- 30 Page 103, line 6:
 - 31 Delete "sec. 152"

1 Insert "sec. 153"

2

3 Page 103, line 8:

4 Delete "sec. 156(a)"

5 Insert "sec. 157(a)"

6

7 Page 103, line 11:

8 Delete "sec. 156(b)"

9 Insert "sec. 157(b)"

10

11 Page 103, line 14:

12 Delete "sec. 156(b)"

13 Insert "sec. 157(b) "

14

15 Page 103, line 17:

16 Delete "sec. 66"

17 Insert "sec. 67"

18 Delete "sec. 156(c)"

19 Insert "sec. 157(c)"

20

21 Page 103, line 20:

22 Delete "sec. 67"

23 Insert "sec. 68"

24 Delete "sec. 156(d)"

25 Insert "sec. 157(d)"

26

27 Page 103, line 23:

28 Delete "sec. 81"

29 Insert "sec. 82"

30 Delete "sec. 156(e)"

31 Insert "sec. 157(e)"

1

2 Page 103, line 26:

3 Delete "sec. 99"

4 Insert "sec. 100"

5 Delete "sec. 156(f)"

6 Insert "sec. 157(f)"

7

8 Page 103, lines 29 - 30:

9 Delete "61, 62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

10 Insert "62, 63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"

11

12 Page 103, line 31, through page 104, line 1:

13 Delete "Sections 58 - 60, 66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and
14 136 - 140"

15 Insert "Sections 58, 60, 61, 67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, 137 -
16 141"

17

18 Page 104, line 2:

19 Delete "sec. 152"

20 Insert "sec. 153"

21

22 Page 104, line 4:

23 Delete "63, 99, 142, 152 - 154, and 156(f)"

24 Insert "64, 100, 143, 153 - 155, and 157(f)"

AMENDMENT #17

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

- 1 Page 41, lines 12 - 15:
- 2 Delete "the court shall, if feasible, send a copy of the motion to the Department of
- 3 Corrections sufficiently in advance of any scheduled hearing to enable the Department of
- 4 Corrections to notify the victim of that crime. If"
- 5 Insert "and"

AMENDMENT #18

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

1 Page 50, following line 22:

2 Insert a new bill section to read:

3 **** Sec. 83.** AS 22.35.030 is amended by adding a new subsection to read:

4 (b) Notwithstanding (a) of this section, the Alaska Court System shall publish
5 the court record of a person who is granted a suspended entry of judgment under
6 AS 12.55.078 on a publicly available website with a notation indicating a suspended
7 entry of judgment."
8

9 Renumber the following bill sections accordingly.
10

11 Page 98, line 8:

12 Delete "sec. 99"

13 Insert "sec. 100"

14

15 Page 99, line 11:

16 Delete "sec. 86"

17 Insert "sec. 87"

18

19 Page 99, line 12:

20 Delete "sec. 87"

21 Insert "sec. 88"

22

23 Page 99, line 13:

1 Delete "sec. 93"

2 Insert "sec. 94"

3

4 Page 99, line 14:

5 Delete "sec. 94"

6 Insert "sec. 95"

7

8 Page 99, line 15:

9 Delete "sec. 95"

10 Insert "sec. 96"

11

12 Page 99, line 16:

13 Delete "sec. 148"

14 Insert "sec. 149"

15

16 Page 100, line 6:

17 Delete "sec. 134"

18 Insert "sec. 135"

19

20 Page 100, line 7:

21 Delete "sec. 135"

22 Insert "sec. 136"

23

24 Page 100, line 13:

25 Delete "sec. 89"

26 Insert "sec. 90"

27

28 Page 100, line 14:

29 Delete "sec. 92"

30 Insert "sec. 93"

31

- 1 Page 100, line 15:
- 2 Delete "sec. 102"
- 3 Insert "sec. 103"
- 4
- 5 Page 100, line 16:
- 6 Delete "sec. 104"
- 7 Insert "sec. 105"
- 8
- 9 Page 100, line 17:
- 10 Delete "sec. 136"
- 11 Insert "sec. 137"
- 12
- 13 Page 101, line 10:
- 14 Delete "sec. 96"
- 15 Insert "sec. 97"
- 16
- 17 Page 101, line 11:
- 18 Delete "sec. 97"
- 19 Insert "sec. 98"
- 20
- 21 Page 101, line 15:
- 22 Delete "sec. 83"
- 23 Insert "sec. 84"
- 24
- 25 Page 101, line 16:
- 26 Delete "sec. 84"
- 27 Insert "sec. 85"
- 28
- 29 Page 101, line 17:
- 30 Delete "sec. 85"
- 31 Insert "sec. 86"

1

2 Page 101, line 18:

3 Delete "sec. 91"

4 Insert "sec. 92"

5

6 Page 101, line 21:

7 Delete "sec. 100"

8 Insert "sec. 101"

9

10 Page 101, line 22:

11 Delete "sec. 101"

12 Insert "sec. 102"

13

14 Page 101, line 23:

15 Delete "sec. 103"

16 Insert "sec. 104"

17

18 Page 101, line 24:

19 Delete "sec. 105"

20 Insert "sec. 106"

21

22 Page 101, line 25:

23 Delete "sec. 107"

24 Insert "sec. 108"

25

26 Page 101, line 26:

27 Delete "sec. 108"

28 Insert "sec. 109"

29

30 Page 101, line 27:

31 Delete "sec. 109"

1 Insert "sec. 110"

2

3 Page 101, line 28:

4 Delete "sec. 115"

5 Insert "sec. 116"

6

7 Page 101, line 29:

8 Delete "sec. 116"

9 Insert "sec. 117"

10

11 Page 101, line 30:

12 Delete "sec. 117"

13 Insert "sec. 118"

14

15 Page 101, line 31:

16 Delete "sec. 118"

17 Insert "sec. 119"

18

19 Page 102, line 1:

20 Delete "sec. 119"

21 Insert "sec. 120"

22

23 Page 102, line 2:

24 Delete "sec. 120"

25 Insert "sec. 121"

26

27 Page 102, line 3:

28 Delete "sec. 121"

29 Insert "sec. 122"

30

31 Page 102, line 4:

- 1 Delete "sec. 122"
- 2 Insert "sec. 123"
- 3
- 4 Page 102, line 5:
 - 5 Delete "sec. 123"
 - 6 Insert "sec. 124"
 - 7
- 8 Page 102, line 6:
 - 9 Delete "sec. 124"
 - 10 Insert "sec. 125"
 - 11
- 12 Page 102, line 7:
 - 13 Delete "sec. 125"
 - 14 Insert "sec. 126"
 - 15
- 16 Page 102, line 8:
 - 17 Delete "sec. 126"
 - 18 Insert "sec. 127"
 - 19
- 20 Page 102, line 9:
 - 21 Delete "sec. 127"
 - 22 Insert "sec. 128"
 - 23
- 24 Page 102, line 10:
 - 25 Delete "sec. 128"
 - 26 Insert "sec. 129"
 - 27
- 28 Page 102, line 11:
 - 29 Delete "sec. 129"
 - 30 Insert "sec. 130"
 - 31

1 Page 102, line 12:

2 Delete "sec. 130"

3 Insert "sec. 131"

4

5 Page 102, line 13:

6 Delete "sec. 131"

7 Insert "sec. 132"

8

9 Page 102, line 14:

10 Delete "sec. 132"

11 Insert "sec. 133"

12

13 Page 102, line 15:

14 Delete "secs. 152 - 154"

15 Insert "secs. 153 - 155"

16

17 Page 102, line 16:

18 Delete "152 - 154"

19 Insert "153 - 155"

20

21 Page 103, line 1:

22 Delete "sec. 99"

23 Insert "sec. 100"

24

25 Page 103, line 2:

26 Delete "sec. 142"

27 Insert "sec. 143"

28

29 Page 103, line 6:

30 Delete "sec. 152"

31 Insert "sec. 153"

1

2 Page 103, line 8:

3 Delete "sec. 156(a)"

4 Insert "sec. 157(a)"

5

6 Page 103, line 11:

7 Delete "sec. 156(b)"

8 Insert "sec. 157(b)"

9

10 Page 103, line 14:

11 Delete "sec. 156(b)"

12 Insert "sec. 157(b) "

13

14 Page 103, line 17:

15 Delete "sec. 156(c)"

16 Insert "sec. 157(c)"

17

18 Page 103, line 20:

19 Delete "sec. 156(d)"

20 Insert "sec. 157(d)"

21

22 Page 103, line 23:

23 Delete "sec. 156(e)"

24 Insert "sec. 157(e)"

25

26 Page 103, line 26:

27 Delete "sec. 99"

28 Insert "sec. 100"

29 Delete "sec. 156(f)"

30 Insert "sec. 157(f)"

31

1 Page 103, lines 29 - 30:

2 Delete "76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

3 Insert "77 - 82, 84 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"

4

5 Page 103, following line 30:

6 Insert a new bill section to read:

7 **"* Sec. 161.** Section 83 of this Act takes effect October 1, 2016."

8

9 Renumber the following bill sections accordingly.

10

11 Page 103, line 31, through page 104, line 1:

12 Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"

13 Insert "90, 91, 93, 97 - 99, 101 - 134, and 137 - 141"

14

15 Page 104, line 2:

16 Delete "sec. 152"

17 Insert "sec. 153"

18

19 Page 104, line 4:

20 Delete "99, 142, 152 - 154, and 156(f)"

21 Insert "100, 143, 153 - 155, and 157(f)"

AMENDMENT #19

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

1 Page 3, line 28:

2 Delete "\$2,000"

3 Insert "\$1,000"

4

5 Page 4, line 5:

6 Delete "\$2,000"

7 Insert "\$1,000"

8

9 Page 4, line 21:

10 Delete "\$2,000"

11 Insert "\$1,000"

12

13 Page 5, line 5:

14 Delete "\$2,000"

15 Insert "\$1,000"

16

17 Page 5, line 7:

18 Delete "\$2,000"

19 Insert "\$1,000"

20

21 Page 5, line 18:

22 Delete "\$2,000"

23 Insert "\$1,000"

- 1
- 2 Page 5, line 30:
 - 3 Delete "\$2,000"
 - 4 Insert "\$1,000"
 - 5
- 6 Page 6, line 2:
 - 7 Delete "\$2,000"
 - 8 Insert "\$1,000"
 - 9
- 10 Page 6, line 10:
 - 11 Delete "\$2,000"
 - 12 Insert "\$1,000"
 - 13
- 14 Page 6, line 13:
 - 15 Delete "\$2,000"
 - 16 Insert "\$1,000"
 - 17
- 18 Page 6, line 21:
 - 19 Delete "\$2,000"
 - 20 Insert "\$1,000"
 - 21
- 22 Page 6, line 24:
 - 23 Delete "\$2,000"
 - 24 Insert "\$1,000"
 - 25
- 26 Page 7, line 2:
 - 27 Delete "\$2,000"
 - 28 Insert "\$1,000"
 - 29
- 30 Page 7, line 5:
 - 31 Delete "\$2,000"

1 Insert "\$1,000"

2

3 Page 7, line 28:

4 Delete "\$2,000"

5 Insert "\$1,000"

6

7 Page 8, line 1:

8 Delete "\$2,000"

9 Insert "\$1,000"

10

11 Page 9, line 1:

12 Delete "\$2,000"

13 Insert "\$1,000"

14

15 Page 9, line 18:

16 Delete "\$2,000"

17 Insert "\$1,000"

18

19 Page 10, line 14:

20 Delete "\$2,000"

21 Insert "\$1,000"

22

23 Page 10, line 18:

24 Delete "\$2,000"

25 Insert "\$1,000"

26

27 Page 10, line 24:

28 Delete "\$2,000"

29 Insert "\$1,000"

30

31 Page 10, line 26:

1 Delete "\$2,000"

2 Insert "\$1,000"

3

4 Page 10, line 30:

5 Delete "\$2,000"

6 Insert "\$1,000"

7

8 Page 11, line 3:

9 Delete "\$2,000"

10 Insert "\$1,000"

AMENDMENT * 20

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

- 1 Page 66, line 19:
- 2 Delete "55"
- 3 Insert "70"

AMENDMENT #21

OFFERED IN THE HOUSE

BY REPRESENTATIVE LYNN

TO: CSHB 205(), Draft Version "H"

1 Page 84, line 20:

2 Delete "and"

3

4 Page 84, line 23, following "contractors":

5 Insert "; and

6 (11) assist a prisoner in obtaining a valid state identification card
7 or driver's license if the prisoner does not have a valid state identification card or
8 driver's license before the prisoner's release; the department shall pay the
9 application fee for the identification card or driver's license"

AMENDMENT #22

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 205(), Draft Version "H"

1 Page 60, line 14:

2 Delete "and"

3

4 Page 60, line 18, following "probation":

5 Insert "; and

6 (8) for each probationer who owes restitution and who is under the
7 supervision of the officer, create a restitution payment schedule based on the
8 probationer's income and ability to pay if the court has not already set a
9 restitution payment schedule"

AMENDMENT #23

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 205(), Draft Version "H"

1 Page 46, line 25, through page 47, line 13:

2 Delete all material and insert:

3 **** Sec. 78. AS 12.55.125(e) is amended to read:**

4 (e) Except as provided in (i) of this section, a defendant convicted of a class C
5 felony may be sentenced to a definite term of imprisonment of not more than five
6 years, and shall be sentenced to a definite term within the following presumptive
7 ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

8 (1) if the offense is a first felony conviction and does not involve
9 circumstances described in (4) of this subsection, **probation, with a suspended term**
10 **of imprisonment of zero to 18 months** [TWO YEARS; A DEFENDANT
11 SENTENCED UNDER THIS PARAGRAPH MAY, IF THE COURT FINDS IT
12 APPROPRIATE, BE GRANTED A SUSPENDED IMPOSITION OF SENTENCE
13 UNDER AS 12.55.085,] and the court may, as a condition of probation under
14 AS 12.55.086, require the defendant to serve an active term of imprisonment **of not**
15 **more than 90 days** [WITHIN THE RANGE SPECIFIED IN THIS PARAGRAPH];

16 (2) if the offense is a second felony conviction, **one to three** [TWO
17 TO FOUR] years;

18 (3) if the offense is a third felony conviction, **two** [THREE] to five
19 years;

20 (4) if the offense is a first felony conviction, and the defendant violated
21 AS 08.54.720(a)(15), one to two years."

AMENDMENT #24

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 205(), Draft Version "H"

1 Page 36, following line 14:

2 Insert a new bill section to read:

3 **** Sec. 62.** AS 12.55.035(b) is amended to read:

4 (b) Upon conviction of an offense, a defendant who is not an organization may
5 be sentenced to pay, unless otherwise specified in the provision of law defining the
6 offense, a fine of not more than

7 (1) \$500,000 for murder in the first or second degree, attempted
8 murder in the first degree, murder of an unborn child, sexual assault in the first degree,
9 sexual abuse of a minor in the first degree, kidnapping, sex trafficking in the first
10 degree under AS 11.66.110(a)(2), or misconduct involving a controlled substance in
11 the first degree;

12 (2) \$250,000 for a class A felony;

13 (3) \$100,000 for a class B felony;

14 (4) \$50,000 for a class C felony;

15 (5) \$25,000 [\$10,000] for a class A misdemeanor;

16 (6) \$2,000 for a class B misdemeanor;

17 (7) \$500 for a violation."

18

19 Renumber the following bill sections accordingly.

20

21 Page 97, line 29:

22 Delete "sec. 66"

23 Insert "sec. 67"

- 1
- 2 Page 98, line 1:
 - 3 Delete "sec. 66"
 - 4 Insert "sec. 67"
 - 5
- 6 Page 98, line 2:
 - 7 Delete "sec. 67"
 - 8 Insert "sec. 68"
 - 9
- 10 Page 98, line 5:
 - 11 Delete "sec. 81 "
 - 12 Insert "sec. 82"
 - 13
- 14 Page 98, line 8:
 - 15 Delete "sec. 99"
 - 16 Insert "sec. 100"
 - 17
- 18 Page 99, following line 10:
 - 19 Insert a new paragraph to read:
 - 20 "(26) AS 12.55.035(b), as amended by sec. 62 of this Act;"
 - 21
- 22 Renumber the following paragraphs accordingly.
- 23
- 24 Page 99, line 11:
 - 25 Delete "86"
 - 26 Insert "87"
 - 27
- 28 Page 99, line 12:
 - 29 Delete "sec. 87"
 - 30 Insert "sec. 88"
 - 31

- 1 Page 99, line 13:
- 2 Delete "sec. 93"
- 3 Insert "sec. 94"
- 4
- 5 Page 99, line 14:
- 6 Delete "sec. 94"
- 7 Insert "sec. 95"
- 8
- 9 Page 99, line 15:
- 10 Delete "sec. 95"
- 11 Insert "sec. 96"
- 12
- 13 Page 99, line 16:
- 14 Delete "sec. 148"
- 15 Insert "sec. 149"
- 16
- 17 Page 99, line 31:
- 18 Delete "sec. 76"
- 19 Insert "sec. 77"
- 20
- 21 Page 100, line 1:
- 22 Delete "sec. 77"
- 23 Insert "sec. 78"
- 24
- 25 Page 100, line 2:
- 26 Delete "sec. 78"
- 27 Insert "sec. 79"
- 28
- 29 Page 100, line 3:
- 30 Delete "sec. 79"
- 31 Insert "sec. 80"

- 1
- 2 Page 100, line 4:
 - 3 Delete "sec. 80"
 - 4 Insert "sec. 81"
 - 5
- 6 Page 100, line 5:
 - 7 Delete "sec. 81"
 - 8 Insert "sec. 82"
 - 9
- 10 Page 100, line 6:
 - 11 Delete "sec. 134"
 - 12 Insert "sec. 135"
 - 13
- 14 Page 100, line 7:
 - 15 Delete "sec. 135"
 - 16 Insert "sec. 136"
 - 17
- 18 Page 100, line 12:
 - 19 Delete "sec. 75"
 - 20 Insert "sec. 76"
 - 21
- 22 Page 100, line 13:
 - 23 Delete "sec. 89"
 - 24 Insert "sec. 90"
 - 25
- 26 Page 100, line 14:
 - 27 Delete "sec. 92"
 - 28 Insert "sec. 93"
 - 29
- 30 Page 100, line 15:
 - 31 Delete "sec. 102"

- 1 Insert "sec. 103"
- 2
- 3 Page 100, line 16:
- 4 Delete "sec. 104"
- 5 Insert "sec. 105"
- 6
- 7 Page 100, line 17:
- 8 Delete "sec. 136"
- 9 Insert "sec. 137"
- 10
- 11 Page 100, line 24:
- 12 Delete "sec. 64"
- 13 Insert "sec. 65"
- 14
- 15 Page 100, line 25:
- 16 Delete "sec. 65"
- 17 Insert "sec. 66"
- 18
- 19 Page 100, line 26:
- 20 Delete "sec. 66"
- 21 Insert "sec. 67"
- 22
- 23 Page 100, line 27:
- 24 Delete "sec. 67"
- 25 Insert "sec. 68"
- 26
- 27 Page 100, line 29:
- 28 Delete "sec. 67"
- 29 Insert "sec. 68"
- 30
- 31 Page 101, line 1:

- 1 Delete "sec. 62"
- 2 Insert "sec. 63"
- 3
- 4 Page 101, line 2:
 - 5 Delete "sec. 69"
 - 6 Insert "sec. 70"
 - 7
- 8 Page 101, line 5:
 - 9 Delete "sec. 68"
 - 10 Insert "sec. 69"
 - 11
- 12 Page 101, line 6:
 - 13 Delete "sec. 70"
 - 14 Insert "sec. 71"
 - 15
- 16 Page 101, line 7:
 - 17 Delete "sec. 71"
 - 18 Insert "sec. 72"
 - 19
- 20 Page 101, line 8:
 - 21 Delete "sec. 72"
 - 22 Insert "sec. 73"
 - 23
- 24 Page 101, line 9:
 - 25 Delete "sec. 74"
 - 26 Insert "sec. 75"
 - 27
- 28 Page 101, line 10:
 - 29 Delete "sec. 96"
 - 30 Insert "sec. 97"
 - 31

- 1 Page 101, line 11:
- 2 Delete "sec. 97"
- 3 Insert "sec. 98"
- 4
- 5 Page 101, line 15:
- 6 Delete "sec. 83"
- 7 Insert "sec. 84"
- 8
- 9 Page 101, line 16:
- 10 Delete "sec. 84"
- 11 Insert "sec. 85"
- 12
- 13 Page 101, line 17:
- 14 Delete "sec. 85"
- 15 Insert "sec. 86"
- 16
- 17 Page 101, line 18:
- 18 Delete "sec. 91"
- 19 Insert "sec. 92"
- 20
- 21 Page 101, line 21:
- 22 Delete "sec. 100"
- 23 Insert "sec. 101"
- 24
- 25 Page 101, line 22:
- 26 Delete "sec. 101"
- 27 Insert "sec. 102"
- 28
- 29 Page 101, line 23:
- 30 Delete "sec. 103"
- 31 Insert "sec. 104"

- 1
- 2 **Page 101, line 24:**
- 3 Delete "sec. 105"
- 4 Insert "sec. 106"
- 5
- 6 **Page 101, line 25:**
- 7 Delete "sec. 107"
- 8 Insert "sec. 108"
- 9
- 10 **Page 101, line 26:**
- 11 Delete "sec. 108"
- 12 Insert "sec. 109"
- 13
- 14 **Page 101, line 27:**
- 15 Delete "sec. 109"
- 16 Insert "sec. 110"
- 17
- 18 **Page 101, line 28:**
- 19 Delete "sec. 115"
- 20 Insert "sec. 116"
- 21
- 22 **Page 101, line 29:**
- 23 Delete "sec. 116"
- 24 Insert "sec. 117"
- 25
- 26 **Page 101, line 30:**
- 27 Delete "sec. 117"
- 28 Insert "sec. 118"
- 29
- 30 **Page 101, line 31:**
- 31 Delete "sec. 118"

- 1 Insert "sec. 119"
- 2
- 3 Page 102, line 1:
- 4 Delete "sec. 119"
- 5 Insert "sec. 120"
- 6
- 7 Page 102, line 2:
- 8 Delete "sec. 120"
- 9 Insert "sec. 121"
- 10
- 11 Page 102, line 3:
- 12 Delete "sec. 121"
- 13 Insert "sec. 122"
- 14
- 15 Page 102, line 4:
- 16 Delete "sec. 122"
- 17 Insert "sec. 123"
- 18
- 19 Page 102, line 5:
- 20 Delete "sec. 123"
- 21 Insert "sec. 124"
- 22
- 23 Page 102, line 6:
- 24 Delete "sec. 124"
- 25 Insert "sec. 125"
- 26
- 27 Page 102, line 7:
- 28 Delete "sec. 125"
- 29 Insert "sec. 126"
- 30
- 31 Page 102, line 8:

- 1 Delete "sec. 126"
- 2 Insert "sec. 127"
- 3
- 4 Page 102, line 9:
 - 5 Delete "sec. 127"
 - 6 Insert "sec. 128"
 - 7
- 8 Page 102, line 10:
 - 9 Delete "sec. 128"
 - 10 Insert "sec. 129"
 - 11
- 12 Page 102, line 11:
 - 13 Delete "sec. 129"
 - 14 Insert "sec. 130"
 - 15
- 16 Page 102, line 12:
 - 17 Delete "sec. 130"
 - 18 Insert "sec. 131"
 - 19
- 20 Page 102, line 13:
 - 21 Delete "sec. 131"
 - 22 Insert "sec. 132"
 - 23
- 24 Page 102, line 14:
 - 25 Delete "sec. 132"
 - 26 Insert "sec. 133"
 - 27
- 28 Page 102, line 15:
 - 29 Delete "secs. 152 - 154"
 - 30 Insert "secs. 153 - 155"
 - 31

1 Page 102, line 16:

2 Delete "152 - 154"

3 Insert "153 - 155"

4

5 Page 102, line 31:

6 Delete "sec. 63"

7 Insert "sec. 64"

8

9 Page 103, line 1:

10 Delete "sec. 99"

11 Insert "sec. 100"

12

13 Page 103, line 2:

14 Delete "sec. 142"

15 Insert "sec. 143"

16

17 Page 103, line 6:

18 Delete "sec. 152"

19 Insert "sec. 153"

20

21 Page 103, line 8:

22 Delete "sec. 156(a)"

23 Insert "sec. 157(a)"

24

25 Page 103, line 11:

26 Delete "sec. 156(b)"

27 Insert "sec. 157(b)"

28

29 Page 103, line 14:

30 Delete "sec. 156(b)"

31 Insert "sec. 157(b) "

1

2 Page 103, line 17:

3 Delete "sec. 66"

4 Insert "sec. 67"

5 Delete "sec. 156(c)"

6 Insert "sec. 157(c)"

7

8 Page 103, line 20:

9 Delete "sec. 67"

10 Insert "sec. 68"

11 Delete "sec. 156(d)"

12 Insert "sec. 157(d)"

13

14 Page 103, line 23:

15 Delete "sec. 81"

16 Insert "sec. 82"

17 Delete "sec. 156(e)"

18 Insert "sec. 157(e)"

19

20 Page 103, line 26:

21 Delete "sec. 99"

22 Insert "sec. 100"

23 Delete "sec. 156(f)"

24 Insert "sec. 157(f)"

25

26 Page 103, lines 29 - 30:

27 Delete "61, 62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"

28 Insert "61 - 63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"

29

30 Page 103, line 31, through page 104, line 1:

31 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"

1 Insert "67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, and 137 - 141"

2

3 Page 104, line 2:

4 Delete "sec. 152"

5 Insert "sec. 153"

6

7 Page 104, line 4:

8 Delete "63, 99, 142, 152 - 154, and 156(f)"

9 Insert "64, 100, 143, 153 - 155, and 157(f)"

AMENDMENT *25

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 205(), Draft Version "H"

1 Page 1, line 1, following "Act relating to":

2 Insert "vehicle registration; relating to off-road system restricted noncommercial
3 drivers' licenses; relating to off-road system eligible areas; relating to motor vehicle
4 liability insurance; relating to"

5

6 Page 50, following line 22:

7 Insert new bill sections to read:

8 ** Sec. 83. AS 28.10.011 is amended to read:

9 Sec. 28.10.011. Vehicles subject to registration. Every vehicle driven,
10 moved, or parked on [UPON] a highway or other public parking place in the state
11 shall be registered under this chapter except when the vehicle is

12 (1) driven or moved on a highway only for the purpose of crossing the
13 highway from one private property to another, including an implement of husbandry
14 as defined by regulation;

15 (2) driven or moved on a highway under a dealer's plate or temporary
16 permit as provided for in AS 28.10.031 and 28.10.181(j);

17 (3) special mobile equipment as defined by regulation;

18 (4) owned by the United States;

19 (5) moved by human or animal power;

20 (6) exempt under 50 U.S.C. App. 501-591 (Soldiers' and Sailors' Civil
21 Relief Act);

22 (7) driven or parked only on private property;

23 (8) the vehicle of a nonresident as provided under AS 28.10.121;

1 (9) transported under a special permit under AS 28.10.151;

2 (10) [BEING] driven or moved by an operator with an off-highway
 3 commercial driver's license on a highway, vehicular way, or a public parking place
 4 in the state that is not connected by a land highway or vehicular way to

5 (A) the land-connected state highway system; or

6 (B) a highway or vehicular way with an average daily traffic
 7 volume greater than 499;

8 (11) driven or moved in an off-road system eligible area by an
 9 operator with a noncommercial driver's license, including an off-road system
 10 restricted noncommercial driver's license issued under AS 28.15.126;

11 (12) [(11)] an implement of husbandry operated in accordance with the
 12 provisions of AS 19.10.065;

13 (13) [(12)] an electric personal motor vehicle.

14 * Sec. 84. AS 28.15 is amended by adding a new section to read:

15 **Sec. 28.15.126. Off-road system restricted noncommercial driver's license.**

16 (a) The department shall waive the road test and issue an off-road system restricted
 17 noncommercial driver's license to an applicant who resides and operates a motor
 18 vehicle in an off-road system eligible area of the state. A driver issued an off-road
 19 system restricted noncommercial driver's license may operate a motor vehicle in an
 20 off-road system eligible area of the state. A driver issued an off-road system restricted
 21 noncommercial driver's license may not operate a motor vehicle

22 (1) outside the off-road system eligible area of the state on a highway,
 23 vehicular way, or a public parking place in the state unless the person has or is
 24 accompanied by a person with a driver's license that is not restricted under this
 25 section; or

26 (2) outside the state.

27 (b) The department shall annually publish a list of off-road system eligible
 28 areas. The department shall make the list available at each office of the department
 29 and on the department's Internet website."

30

31 Renumber the following bill sections accordingly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Page 51, following line 26:

Insert a new bill section to read:

**** Sec. 87. AS 28.15.201(d) is amended to read:**

(d) A court revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.181(c), or the department when revoking a driver's license, privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant limited license privileges if

(1) the revocation was for a misdemeanor conviction under AS 28.35.030 or a similar municipal ordinance and not for a violation of AS 28.35.032;

(2) the person

(A) has not been previously convicted and the limited license is not granted during the first 30 days of the period of revocation; or

(B) has been previously convicted and the limited license is not granted during the first 90 days of the period of revocation;

(3) the court or department requires the person to use an ignition interlock device during the period of the limited license whenever the person operates a motor vehicle in an area [A COMMUNITY] not included in the list published by the department under AS 28.15.126 [AS 28.22.011(b)] and, when applicable,

(A) the person provides proof of installation of the ignition interlock device on every vehicle the person operates;

(B) the person signs an affidavit acknowledging that

(i) operation by the person of a vehicle that is not equipped with an ignition interlock device is subject to penalties for driving with a revoked license;

(ii) circumventing or tampering with the ignition interlock device is a class A misdemeanor; and

(iii) the person is required to maintain the ignition interlock device throughout the period of the limited license, to keep up-to-date records in each vehicle showing that any required service

1 and calibration is current, and to produce those records immediately on
2 request;

3 (4) the person is enrolled in and is in compliance with or has
4 successfully completed the alcoholism screening, evaluation, referral, and program
5 requirements of the Department of Health and Social Services under AS 28.35.030(h);

6 (5) the person provides proof of insurance as required by AS 28.20.230
7 and 28.20.240; and

8 (6) the person has not previously been convicted of violating the
9 limitations of an ignition interlock limited license or been convicted of violating the
10 provisions of AS 28.35.030 or 28.35.032 while on probation for a violation of those
11 sections."

12

13 Renumber the following bill sections accordingly.

14

15 Page 53, following line 30:

16 Insert a new bill section to read:

17 **** Sec. 91. AS 28.22.011(a) is amended to read:**

18 (a) The operator or owner of a motor vehicle subject to registration under
19 AS 28.10.011 when driven on a highway, vehicular way or area, or on other public
20 property in the state, shall be insured under a motor vehicle liability policy that
21 complies with this chapter or a certificate of self-insurance that complies with
22 AS 28.20.400 unless **the operator has not been cited within the preceding five**
23 **years for a traffic law violation with a demerit point value of six or more on the**
24 **point schedule determined under regulations adopted by the department under**
25 **AS 28.15.221 and**

26 (1) the motor vehicle is being driven or moved **by an operator with**
27 **an off-highway commercial driver's license** on a highway, vehicular way, or a
28 public parking place in the state that is not connected by a land highway or vehicular
29 way to

30 (A) the land-connected state highway system; [,] or

31 (B) a highway or vehicular way with an average daily traffic

1 volume greater than 499; or [AND]

2 (2) the operator has a noncommercial driver's license, including an
 3 off-road system restricted noncommercial driver's license issued under
 4 AS 28.15.126 and is operating the motor vehicle in an off-road system eligible
 5 area of the state [NOT BEEN CITED WITHIN THE PRECEDING FIVE YEARS
 6 FOR A TRAFFIC LAW VIOLATION WITH A DEMERIT POINT VALUE OF SIX
 7 OR MORE ON THE POINT SCHEDULE DETERMINED UNDER REGULATIONS
 8 ADOPTED BY THE DEPARTMENT UNDER AS 28.15.221]."

9
 10 Renumber the following bill sections accordingly.

11
 12 Page 56, following line 28:

13 Insert a new bill section to read:

14 **** Sec. 96.** AS 28.35.030(t) is amended to read:

15 (t) Notwithstanding (b) or (n) of this section, the court shall waive the
 16 requirement of the use of an ignition interlock device when a person operates a motor
 17 vehicle in an area [A COMMUNITY] included on the list published by the
 18 department under AS 28.15.126 [AS 28.22.011(b)]."

19
 20 Renumber the following bill sections accordingly.

21
 22 Page 57, following line 30:

23 Insert new bill sections to read:

24 **** Sec. 98.** AS 28.35.032(t) is amended to read:

25 (t) Notwithstanding (g) or (p) of this section, the court shall waive the
 26 requirement of the use of an ignition interlock device when a person operates a motor
 27 vehicle in an area [A COMMUNITY] included on the list published by the
 28 department under AS 28.15.126 [AS 28.22.011(b)].

29 *** Sec. 99.** AS 28.90.990(a) is amended by adding a new paragraph to read:

30 (32) "off-road system eligible area" means an area of the state, as
 31 determined by the department, that does not have land-connected road access to an

1 office that offers road testing at least once every three months and offers a sufficient
2 number of road tests to meet public demand."

3

4 Renumber the following bill sections accordingly.

5

6 Page 97, line 15, following "AS 12.55.135(j);":

7 Insert "AS 28.22.011(b);"

8

9 Page 98, line 8:

10 Delete "sec. 99"

11 Insert "sec. 106"

12

13 Page 99, line 11:

14 Delete "sec. 86"

15 Insert "sec. 89"

16

17 Page 99, line 12:

18 Delete "sec. 87"

19 Insert "sec. 90"

20

21 Page 99, line 13:

22 Delete "sec. 93"

23 Insert "sec. 100"

24

25 Page 99, line 14:

26 Delete "sec. 94"

27 Insert "sec. 101"

28

29 Page 99, line 15:

30 Delete "sec. 95"

31 Insert "sec. 102"

- 1
- 2 Page 99, line 16:
 - 3 Delete "sec. 148"
 - 4 Insert "sec. 155"
 - 5
- 6 Page 100, line 6:
 - 7 Delete "sec. 134"
 - 8 Insert "sec. 141"
 - 9
- 10 Page 100, line 7:
 - 11 Delete "sec. 135"
 - 12 Insert "sec. 142"
 - 13
- 14 Page 100, line 13:
 - 15 Delete "sec. 89"
 - 16 Insert "sec. 93"
 - 17
- 18 Page 100, line 14:
 - 19 Delete "sec. 92"
 - 20 Insert "sec. 97"
 - 21
- 22 Page 100, line 15:
 - 23 Delete "sec. 102"
 - 24 Insert "sec. 109"
 - 25
- 26 Page 100, line 16:
 - 27 Delete "sec. 104"
 - 28 Insert "sec. 111"
 - 29
- 30 Page 100, line 17:
 - 31 Delete "sec. 136"

- 1 Insert "sec. 143"
- 2
- 3 Page 101, line 10:
- 4 Delete "sec. 96"
- 5 Insert "sec. 103"
- 6
- 7 Page 101, line 11:
- 8 Delete "sec. 97"
- 9 Insert "sec. 104"
- 10
- 11 Page 101, line 15:
- 12 Delete "sec. 83"
- 13 Insert "sec. 85"
- 14
- 15 Page 101, line 16:
- 16 Delete "sec. 84"
- 17 Insert "sec. 86"
- 18
- 19 Page 101, line 17:
- 20 Delete "sec. 85"
- 21 Insert "sec. 88"
- 22
- 23 Page 101, line 18:
- 24 Delete "sec. 91"
- 25 Insert "sec. 95"
- 26
- 27 Page 101, line 21:
- 28 Delete "sec. 100"
- 29 Insert "sec. 107"
- 30
- 31 Page 101, line 22:

- 1 Delete "sec. 101"
- 2 Insert "sec. 108"
- 3
- 4 Page 101, line 23:
 - 5 Delete "sec. 103"
 - 6 Insert "sec. 110"
 - 7
- 8 Page 101, line 24:
 - 9 Delete "sec. 105"
 - 10 Insert "sec. 112"
 - 11
- 12 Page 101, line 25:
 - 13 Delete "sec. 107"
 - 14 Insert "sec. 114"
 - 15
- 16 Page 101, line 26:
 - 17 Delete "sec. 108"
 - 18 Insert "sec. 115"
 - 19
- 20 Page 101, line 27:
 - 21 Delete "sec. 109"
 - 22 Insert "sec. 116"
 - 23
- 24 Page 101, line 28:
 - 25 Delete "sec. 115"
 - 26 Insert "sec. 122"
 - 27
- 28 Page 101, line 29:
 - 29 Delete "sec. 116"
 - 30 Insert "sec. 123"
 - 31

- 1 Page 101, line 30:
- 2 Delete "sec. 117"
- 3 Insert "sec. 124"
- 4
- 5 Page 101, line 31:
- 6 Delete "sec. 118"
- 7 Insert "sec. 125"
- 8
- 9 Page 102, line 1:
- 10 Delete "sec. 119"
- 11 Insert "sec. 126"
- 12
- 13 Page 102, line 2:
- 14 Delete "sec. 120"
- 15 Insert "sec. 127"
- 16
- 17 Page 102, line 3:
- 18 Delete "sec. 121"
- 19 Insert "sec. 128"
- 20
- 21 Page 102, line 4:
- 22 Delete "sec. 122"
- 23 Insert "sec. 129"
- 24
- 25 Page 102, line 5:
- 26 Delete "sec. 123"
- 27 Insert "sec. 130"
- 28
- 29 Page 102, line 6:
- 30 Delete "sec. 124"
- 31 Insert "sec. 131"

- 1
- 2 Page 102, line 7:
 - 3 Delete "sec. 125"
 - 4 Insert "sec. 132"
- 5
- 6 Page 102, line 8:
 - 7 Delete "sec. 126"
 - 8 Insert "sec. 133"
- 9
- 10 Page 102, line 9:
 - 11 Delete "sec. 127"
 - 12 Insert "sec. 134"
- 13
- 14 Page 102, line 10:
 - 15 Delete "sec. 128"
 - 16 Insert "sec. 135"
- 17
- 18 Page 102, line 11:
 - 19 Delete "sec. 129"
 - 20 Insert "sec. 136"
- 21
- 22 Page 102, line 12:
 - 23 Delete "sec. 130"
 - 24 Insert "sec. 137"
- 25
- 26 Page 102, line 13:
 - 27 Delete "sec. 131"
 - 28 Insert "sec. 138"
- 29
- 30 Page 102, line 14:
 - 31 Delete "sec. 132"

- 1 Insert "sec. 139"
- 2
- 3 Page 102, line 15:
- 4 Delete "secs. 152 - 154"
- 5 Insert "secs. 159 - 161"
- 6
- 7 Page 102, line 16:
- 8 Delete "152 - 154"
- 9 Insert "159 - 161"
- 10
- 11 Page 103, line 1:
- 12 Delete "sec. 99"
- 13 Insert "sec. 106"
- 14
- 15 Page 103, line 2:
- 16 Delete "sec. 142"
- 17 Insert "sec. 149"
- 18
- 19 Page 103, line 6:
- 20 Delete "sec. 152"
- 21 Insert "sec. 159"
- 22
- 23 Page 103, line 8:
- 24 Delete "sec. 156(a)"
- 25 Insert "sec. 163(a)"
- 26
- 27 Page 103, line 11:
- 28 Delete "sec. 156(b)"
- 29 Insert "sec. 163(b)"
- 30
- 31 Page 103, line 14:

- 1 Delete "sec. 156(b)"
- 2 Insert "sec. 163(b)"
- 3
- 4 Page 103, line 17:
 - 5 Delete "sec. 156(c)"
 - 6 Insert "sec. 163(c)"
 - 7
- 8 Page 103, line 20:
 - 9 Delete "sec. 156(d)"
 - 10 Insert "sec. 163(d)"
 - 11
- 12 Page 103, line 23:
 - 13 Delete "sec. 156(e)"
 - 14 Insert "sec. 163(e)"
 - 15
- 16 Page 103, line 26:
 - 17 Delete "sec. 99"
 - 18 Insert "sec. 106"
 - 19 Delete "sec. 156(f)"
 - 20 Insert "sec. 163(f)"
 - 21
- 22 Page 103, lines 29 - 30:
 - 23 Delete "76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
 - 24 Insert "76 - 82, 85, 86, 88 - 90, 92, 95, 100 - 102, 141, 142, 150 - 158, and 162"
 - 25
- 26 Page 103, line 31, through page 104, line 1:
 - 27 Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
 - 28 Insert "93, 94, 97, 103 - 105, 107 - 140, and 143 - 147"
 - 29
- 30 Page 104, line 2:
 - 31 Delete "sec. 152"

1 Insert "sec. 159"

2

3 Page 92, line 2:

4 Delete "99, 142, 152 - 154, and 156(f)"

5 Insert "106, 149, 159 - 161, and 163(f)"

AMENDMENT *26

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 205(), Draft Version "H"

1 Page 98, following line 12:

2 Insert a new bill section to read:

3 **** Sec. 157.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 **REPORT OF THE ALASKA CRIMINAL JUSTICE COMMISSION REGARDING**
6 **SOCIAL IMPACT BONDS.** The Alaska Criminal Justice Commission established in
7 AS 44.19.641 shall submit to the governor and the legislature not later than December 15,
8 2016, a report regarding the potential of using social impact bonds to reduce recidivism rates.
9 The commission shall deliver the report to the senate secretary and the chief clerk of the
10 house of representatives and notify the legislature that the report is available. The report shall
11 cover the following topics:

12 (1) identification and evaluation of grant programs, contracts, and services of
13 the Department of Corrections and the Department of Health and Social Services that may be
14 suitable for social impact financing;

15 (2) the possibility of private sector investors providing social impact financing;

16 (3) programs operated by nonprofit corporations that could be funded through
17 a social impact financing mechanism;

18 (4) independent evaluators that could determine whether performance targets
19 for a nonprofit corporation funded by social impact financing are met at the end of an agreed-
20 on time frame; and

21 (5) whether federal funding is available for independent evaluators
22 participating in social impact funding."
23

- 1 Renumber the following bill sections accordingly.

AMENDMENT #27

OFFERED IN THE HOUSE

BY REPRESENTATIVE KREISS-TOMKINS

TO: CSHB 205(), Draft Version "H"

1 Page 84, lines 10 - 12:

2 Delete "the written reentry plan must be completed upon release on furlough or
3 probation or parole and must include

4 (A) information on the prisoner's proposed"

5 Insert "the reentry program must include

6 (A) a written reentry plan for each prisoner completed
7 upon release on furlough or probation or parole that includes information
8 on the prisoner's proposed"

9
10 Page 84, line 20:

11 Delete "and"

12
13 Page 84, following line 20:

14 Insert a new subparagraph to read:

15 "(C) coordination with the Department of Labor and
16 Workforce Development to provide access, after release, to job training
17 and employment assistance; and"

AMENDMENT #28

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 87, following line 11:

2 Insert a new bill section to read:

3 **** Sec. 143.** AS 43.23.065(c) is amended to read:

4 (c) Claims listed in (b) of this section have priority in the order listed over
5 other claims on a permanent fund dividend whether payments are sought through legal
6 actions for the collection of debts or through assignments from the debtor, **except that**
7 **claims under (b)(1) and (2) of this section have the same priority. If a person owes**
8 **both child support and restitution, and the amount due for a child support**
9 **obligation under (b)(1) of this section or for court ordered restitution under**
10 **(b)(2) of this section is greater than the total amount of the permanent fund**
11 **dividend, the permanent fund dividend shall be divided equally between the child**
12 **support obligation and the court ordered restitution.**"

13

14 Renumber the following bill sections accordingly.

15

16 Page 99, line 16:

17 Delete "sec. 148"

18 Insert "sec. 149"

19

20 Page 102, line 15:

21 Delete "secs. 152 - 154"

22 Insert "secs. 153 - 155"

23

- 1 Page 102, line 16:
- 2 Delete "152 - 154"
- 3 Insert "153 - 155"
- 4
- 5 Page 103, line 6:
- 6 Delete "sec. 152"
- 7 Insert "sec. 153"
- 8
- 9 Page 103, line 8:
- 10 Delete "sec. 156(a)"
- 11 Insert "sec. 157(a)"
- 12
- 13 Page 103, line 11:
- 14 Delete "sec. 156(b)"
- 15 Insert "sec. 157(b)"
- 16
- 17 Page 103, line 14:
- 18 Delete "sec. 156(b)"
- 19 Insert "sec. 157(b)"
- 20
- 21 Page 103, line 17:
- 22 Delete "sec. 156(c)"
- 23 Insert "sec. 157(c)"
- 24
- 25 Page 103, line 20:
- 26 Delete "sec. 156(d)"
- 27 Insert "sec. 157(d)"
- 28
- 29 Page 103, line 23:
- 30 Delete "sec. 156(e)"
- 31 Insert "sec. 157(e)"

1

2 Page 103, line 26:

3 Delete "sec. 156(f)"

4 Insert "sec. 157(f)"

5

6 Page 103, line 30:

7 Delete "143 - 151, and 155"

8 Insert "143 - 152, and 156"

9

10 Page 104, line 2:

11 Delete "sec. 152"

12 Insert "sec. 153"

13

14 Page 104, line 4:

15 Delete "152 - 154, and 156(f)"

16 Insert "153 - 155, and 157(f)"

AMENDMENT #29

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 14, line 30, through page 15, line 3:

2 Delete all material and insert:

3 "(1) [UNDER CIRCUMSTANCES NOT PROSCRIBED UNDER
4 AS 11.71.020(a)(2) - (6),] manufactures or delivers, [ANY AMOUNT OF A
5 SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] or possesses [ANY
6 AMOUNT OF A SCHEDULE IIA OR IIIA CONTROLLED SUBSTANCE] with
7 intent to manufacture or deliver,

8 (A) one or more preparations, compounds, mixtures, or
9 substances of an aggregate weight of one gram or more containing a
10 schedule IA controlled substance;

11 (B) 25 or more tablets, ampules, or syrettes containing a
12 schedule IA controlled substance;

13 (C) one or more preparations, compounds, mixtures, or
14 substances of an aggregate weight of 2.5 grams or more containing a
15 schedule IIA or IIIA controlled substance; or

16 (D) 50 or more tablets, ampules, or syrettes containing a
17 schedule IIA or IIIA controlled substance;"

18

19 Page 19, line 20:

20 Delete "or"

21

22 Page 19, lines 21 - 23:

23 Delete all material and insert:

1 **"(11) manufactures or delivers, or possesses with the intent to**
2 **manufacture or deliver,**

3 **(A) one or more preparations, compounds, mixtures, or**
4 **substances of an aggregate weight of less than one gram containing a**
5 **schedule IA controlled substance;**

6 **(B) less than 25 tablets, ampules, or syrettes containing a**
7 **schedule IA controlled substance;**

8 **(C) one or more preparations, compounds, mixtures, or**
9 **substances of an aggregate weight of less than 2.5 grams containing a**
10 **schedule IIA or IIIA controlled substance; or**

11 **(D) less than 50 tablets, ampules, or syrettes containing a**
12 **schedule IIA or IIIA controlled substance; or**

13 **(12) violates AS 11.71.050(a)(4) and has been previously convicted**
14 **two or more times in the preceding 10 years under AS 11.71.050(a)(4) or for an**
15 **offense in another jurisdiction with similar elements."**

16
17 Page 48, line 21, through page 49, line 4:

18 Delete all material and insert:

19 "(n) A court sentencing a person convicted of misconduct involving a
20 controlled substance in the fourth degree under AS 11.71.050(a)(4) or a person
21 convicted of misconduct involving a controlled substance in the fifth degree under
22 AS 11.71.060(a)(2) may impose

23 (1) a sentence of suspended imprisonment of not more than 30 days if
24 the person has not been previously convicted within the preceding 10 years of an
25 offense under AS 11.71 or a law of this or another jurisdiction with elements
26 substantially similar to an offense under AS 11.71; or

27 (2) a sentence of active imprisonment of not more than 180 days if the
28 person has been previously convicted within the preceding 10 years of an offense
29 under AS 11.71 or a law of this or another jurisdiction with elements substantially
30 similar to an offense under AS 11.71."

AMENDMENT *10

OFFERED IN THE HOUSE

BY REPRESENTATIVE CLAMAN

TO: CSHB 205(), Draft Version "H"

1 Page 36, lines 1 - 14:

2 Delete all material and insert:

3 **** Sec. 61.** AS 12.55.025(k) is amended to read:

4 (k) If a defendant intends to claim credit under AS 12.55.027 toward a
5 sentence of imprisonment for time spent in a [TREATMENT] program as a condition
6 of bail in connection with an offense for which the defendant is being sentenced, the
7 defendant shall file notice with the court and the prosecutor 10 days before the
8 sentencing hearing. The notice shall include the number of days the defendant is
9 claiming. The defendant must prove by a preponderance of evidence that the
10 requirements of AS 12.55.027 are met before credit may be awarded. Except as
11 provided in (l) of this section, except for good cause, a court may not consider a
12 request for credit made under this subsection more than 90 days after the sentencing
13 hearing.

14 *** Sec. 62.** AS 12.55.025(l) is amended to read:

15 (l) If a defendant intends to claim credit under AS 12.55.027 toward a
16 sentence of imprisonment for time spent in a [TREATMENT] program as a condition
17 of bail while pending appeal, the defendant shall file notice with the court and the
18 prosecutor not later than 90 days after return of the case to the trial court following
19 appeal. The notice shall include the number of days the defendant is claiming. The
20 defendant must prove by a preponderance of evidence that the requirements of
21 AS 12.55.027 are met before credit may be awarded. Except for good cause, the court
22 may not consider a request for credit made under this subsection after the deadline.

23 *** Sec. 63.** AS 12.55.027 is repealed and reenacted to read:

1 **Sec. 12.55.027. Credit toward a sentence of imprisonment.** (a) A court may
2 grant a defendant credit toward a sentence of imprisonment for time spent in a
3 program that furthers the reformation and rehabilitation of the defendant if the court
4 finds that the program places a substantial restriction on the defendant's freedom of
5 movement and behavior and is consistent with this section.

6 (b) A court may only grant credit under this section

7 (1) in the amount of one day of credit toward a sentence of
8 imprisonment for each full day the defendant spent in a reformation and rehabilitation
9 program; and

10 (2) if the court ordered the defendant to participate in and comply with
11 the conditions of the reformation and rehabilitation program before the defendant
12 entered the program.

13 (c) In granting credit toward a sentence of imprisonment for time spent in a
14 reformation and rehabilitation program, a court shall consider the following factors:

15 (1) the restrictions on the defendant's freedom of movement and
16 behavior;

17 (2) the circumstances under which the defendant was enrolled in the
18 program;

19 (3) the residency requirements of the program;

20 (4) the physical custody and supervision of the defendant at the
21 program;

22 (5) the circumstances under which the defendant is permitted to leave
23 the program's facility;

24 (6) the rules of the program and the requirement that the defendant
25 obey the orders of persons who have immediate custody or control over the defendant;

26 (7) the sanctions on the defendant for violating the program's rules or
27 orders;

28 (8) whether the defendant is subject to arrest for leaving the program's
29 facility without permission;

30 (9) the use of an electronic monitoring device;

31 (10) whether the program provides substance abuse treatment;

1 (11) the use of other technology that monitors or restricts the
2 defendant's movement and behavior;

3 (12) other factors that support the court's finding that the program
4 places a substantial restriction on the defendant's freedom of movement and behavior;

5 (13) other factors that support the court's finding that the program
6 furthers the reformation and rehabilitation of the defendant.

7 (d) If a defendant intends to claim credit toward a sentence of imprisonment
8 under this section for the time spent in a program either as a condition of probation or
9 as a condition of bail release after a petition to revoke probation has been filed, the
10 defendant shall file notice with the court and the prosecutor 10 days before the
11 disposition hearing. The defendant shall include in the notice the amount of time the
12 defendant is claiming. A court may not consider, except for good cause, a request for
13 credit under this subsection if the request is made more than 90 days after the
14 disposition hearing."

15

16 Renumber the following bill sections accordingly.

17

18 Page 99, line 30:

19 Delete all material and insert:

20 "(1) AS 12.55.025(k), as amended by sec. 61 of this Act;

21 (2) AS 12.55.025(l), as amended by sec. 62 of this Act;

22 (3) AS 12.55.027, as repealed and reenacted by sec. 63 of this Act;"

23

24 Renumber the following paragraphs accordingly.

25

26 Page 97, line 29:

27 Delete "sec. 66"

28 Insert "sec. 68"

29

30 Page 98, line 1:

31 Delete "sec. 66"

- 1 Insert "sec. 68"
- 2
- 3 Page 98, line 2:
- 4 Delete "sec. 67"
- 5 Insert "sec. 69"
- 6
- 7 Page 98, line 5:
- 8 Delete "sec. 81"
- 9 Insert "sec. 83"
- 10
- 11 Page 98, line 8:
- 12 Delete "sec. 99"
- 13 Insert "sec. 101"
- 14
- 15 Page 99, line 11:
- 16 Delete "sec. 86"
- 17 Insert "sec. 88"
- 18
- 19 Page 99, line 12:
- 20 Delete "sec. 87"
- 21 Insert "sec. 89"
- 22
- 23 Page 99, line 13:
- 24 Delete "sec. 93"
- 25 Insert "sec. 95"
- 26
- 27 Page 99, line 14:
- 28 Delete "sec. 94"
- 29 Insert "sec. 96"
- 30
- 31 Page 99, line 15:

1 Delete "sec. 95"
2 Insert "sec. 97"
3
4 Page 99, line 16:
5 Delete "sec. 148"
6 Insert "sec. 150"
7
8 Page 99, line 31:
9 Delete "sec. 76"
10 Insert "sec. 78"
11
12 Page 100, line 1:
13 Delete "sec. 77"
14 Insert "sec. 79"
15
16 Page 100, line 2:
17 Delete "sec. 78"
18 Insert "sec. 80"
19
20 Page 100, line 3:
21 Delete "sec. 79"
22 Insert "sec. 81"
23
24 Page 100, line 4:
25 Delete "sec. 80"
26 Insert "sec. 82"
27
28 Page 100, line 5:
29 Delete "sec. 81"
30 Insert "sec. 83"
31

- 1 Page 100, line 6:
- 2 Delete "sec. 134"
- 3 Insert "sec. 136"
- 4
- 5 Page 100, line 7:
- 6 Delete "sec. 135"
- 7 Insert "sec. 137"
- 8
- 9 Page 100, line 12:
- 10 Delete "sec. 75"
- 11 Insert "sec. 77"
- 12
- 13 Page 100, line 13:
- 14 Delete "sec. 89"
- 15 Insert "sec. 91"
- 16
- 17 Page 100, line 14:
- 18 Delete "sec. 92"
- 19 Insert "sec. 94"
- 20
- 21 Page 100, line 15:
- 22 Delete "sec. 102"
- 23 Insert "sec. 104"
- 24
- 25 Page 100, line 16:
- 26 Delete "sec. 104"
- 27 Insert "sec. 106"
- 28
- 29 Page 100, line 17:
- 30 Delete "sec. 136"
- 31 Insert "sec. 138"

- 1
- 2 Page 100, line 24:
 - 3 Delete "sec. 64"
 - 4 Insert "sec. 66"
- 5
- 6 Page 100, line 25:
 - 7 Delete "sec. 65"
 - 8 Insert "sec. 67"
- 9
- 10 Page 100, line 26:
 - 11 Delete "sec. 66"
 - 12 Insert "sec. 68"
- 13
- 14 Page 100, line 27:
 - 15 Delete "sec. 67"
 - 16 Insert "sec. 69"
- 17
- 18 Page 100, line 29:
 - 19 Delete "sec. 67"
 - 20 Insert "sec. 69"
- 21
- 22 Page 101, line 1:
 - 23 Delete "sec. 62"
 - 24 Insert "sec. 64"
- 25
- 26 Page 101, line 2:
 - 27 Delete "sec. 69"
 - 28 Insert "sec. 71"
- 29
- 30 Page 101, line 5:
 - 31 Delete "sec. 68"

- 1 Insert "sec. 70"
- 2
- 3 Page 101, line 6:
- 4 Delete "sec. 70"
- 5 Insert "sec. 72"
- 6
- 7 Page 101, line 7:
- 8 Delete "sec. 71"
- 9 Insert "sec. 73"
- 10
- 11 Page 101, line 8:
- 12 Delete "sec. 72"
- 13 Insert "sec. 74"
- 14
- 15 Page 101, line 9:
- 16 Delete "sec. 74"
- 17 Insert "sec. 76"
- 18
- 19 Page 101, line 10:
- 20 Delete "sec. 96"
- 21 Insert "sec. 98"
- 22
- 23 Page 101, line 11:
- 24 Delete "sec. 97"
- 25 Insert "sec. 99"
- 26
- 27 Page 101, line 15:
- 28 Delete "sec. 83"
- 29 Insert "sec. 85"
- 30
- 31 Page 101, line 16:

1 Delete "sec. 84"

2 Insert "sec. 86"

3

4 Page 101, line 17:

5 Delete "sec. 85"

6 Insert "sec. 87"

7

8 Page 101, line 18:

9 Delete "sec. 91"

10 Insert "sec. 93"

11

12 Page 101, line 21:

13 Delete "sec. 100"

14 Insert "sec. 102"

15

16 Page 101, line 22:

17 Delete "sec. 101"

18 Insert "sec. 103"

19

20 Page 101, line 23:

21 Delete "sec. 103"

22 Insert "sec. 105"

23

24 Page 101, line 24:

25 Delete "sec. 105"

26 Insert "sec. 107"

27

28 Page 101, line 25:

29 Delete "sec. 107"

30 Insert "sec. 109"

31

1 Page 101, line 26:

2 Delete "sec. 108"

3 Insert "sec. 110"

4

5 Page 101, line 27:

6 Delete "sec. 109"

7 Insert "sec. 111"

8

9 Page 101, line 28:

10 Delete "sec. 115"

11 Insert "sec. 117"

12

13 Page 101, line 29:

14 Delete "sec. 116"

15 Insert "sec. 118"

16

17 Page 101, line 30:

18 Delete "sec. 117"

19 Insert "sec. 119"

20

21 Page 101, line 31:

22 Delete "sec. 118"

23 Insert "sec. 120"

24

25 Page 102, line 1:

26 Delete "sec. 119"

27 Insert "sec. 121"

28

29 Page 102, line 2:

30 Delete "sec. 120"

31 Insert "sec. 122"

- 1
- 2 Page 102, line 3:
 - 3 Delete "sec. 121"
 - 4 Insert "sec. 123"
 - 5
- 6 Page 102, line 4:
 - 7 Delete "sec. 122"
 - 8 Insert "sec. 124"
 - 9
- 10 Page 102, line 5:
 - 11 Delete "sec. 123"
 - 12 Insert "sec. 125"
 - 13
- 14 Page 102, line 6:
 - 15 Delete "sec. 124"
 - 16 Insert "sec. 126"
 - 17
- 18 Page 102, line 7:
 - 19 Delete "sec. 125"
 - 20 Insert "sec. 127"
 - 21
- 22 Page 102, line 8:
 - 23 Delete "sec. 126"
 - 24 Insert "sec. 128"
 - 25
- 26 Page 102, line 9:
 - 27 Delete "sec. 127"
 - 28 Insert "sec. 129"
 - 29
- 30 Page 102, line 10:
 - 31 Delete "sec. 128"

- 1 Insert "sec. 130"
- 2
- 3 Page 102, line 11:
- 4 Delete "sec. 129"
- 5 Insert "sec. 131"
- 6
- 7 Page 102, line 12:
- 8 Delete "sec. 130"
- 9 Insert "sec. 132"
- 10
- 11 Page 102, line 13:
- 12 Delete "sec. 131"
- 13 Insert "sec. 133"
- 14
- 15 Page 102, line 14:
- 16 Delete "sec. 132"
- 17 Insert "sec. 134"
- 18
- 19 Page 102, line 15:
- 20 Delete "secs. 152 - 154"
- 21 Insert "secs. 154 - 156"
- 22
- 23 Page 102, line 16:
- 24 Delete "152 - 154"
- 25 Insert "154 - 156"
- 26
- 27 Page 102, line 31:
- 28 Delete "sec. 63"
- 29 Insert "sec. 65"
- 30
- 31 Page 103, line 1:

- 1 Delete "sec. 99"
- 2 Insert "sec. 101"
- 3
- 4 Page 103, line 2:
 - 5 Delete "sec. 142"
 - 6 Insert "sec. 144"
 - 7
- 8 Page 103, line 6:
 - 9 Delete "sec. 152"
 - 10 Insert "sec. 154"
 - 11
- 12 Page 103, line 8:
 - 13 Delete "sec. 156(a)"
 - 14 Insert "sec. 158(a)"
 - 15
- 16 Page 103, line 11:
 - 17 Delete "sec. 156(b)"
 - 18 Insert "sec. 158(b)"
 - 19
- 20 Page 103, line 14:
 - 21 Delete "sec. 156(b)"
 - 22 Insert "sec. 158(b)"
 - 23
- 24 Page 103, line 17:
 - 25 Delete "sec. 156(c)"
 - 26 Insert "sec. 158(c)"
 - 27
- 28 Page 103, line 20:
 - 29 Delete "sec. 156(d)"
 - 30 Insert "sec. 158(d)"
 - 31

- 1 Page 103, line 23:
2 Delete "sec. 156(e)"
3 Insert "sec. 158(e)"
4
- 5 Page 103, line 26:
6 Delete "sec. 99"
7 Insert "sec. 101"
8 Delete "sec. 156(f)"
9 Insert "sec. 158(f)"
10
- 11 Page 103, lines 29 - 30:
12 Delete "62, 65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
13 Insert "64, 67, 69, 71, 75, 78 - 90, 93, 95 - 97, 136, 137, 145 - 153, and 157"
14
- 15 Page 103, line 31, through page 104, line 1:
16 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
17 Insert "68, 70, 72 - 74, 76, 77, 91, 92, 94, 98 - 100, 102 - 135, 138 - 142"
18
- 19 Page 104, line 2:
20 Delete "sec. 152"
21 Insert "sec. 154"
22
- 23 Page 104, line 4:
24 Delete "63, 99, 142, 152 - 154, and 156(f)"
25 Insert "65, 101, 144, 154 - 156, and 158(f)"

AMENDMENT #9

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 1, line 2, following "sentencing;":

2 Insert "relating to treatment program credit for time spent toward service of a
3 sentence of imprisonment;"

4

5 Page 36, following line 14:

6 Insert a new bill section to read:

7 **** Sec. 62.** AS 12.55.027 is amended by adding a new subsection to read:

8 (f) To qualify as a treatment program under this section, a program must

9 (1) be intended to address criminogenic traits or behaviors;

10 (2) provide measures of progress or completion; and

11 (3) require notification to the court or probation officer of violations of

12 ~~conditions of bail release or probation."~~

13

14 Renumber the following bill sections accordingly.

15

16 Page 97, line 29:

17 Delete "sec. 66"

18 Insert "sec. 67"

19

20 Page 98, line 1:

21 Delete "sec. 66"

22 Insert "sec. 67"

23

the pretrial services
office or probation
officer if the person is
discharged from the
program for
noncompliance.

1 Page 98, line 2:

2 Delete "sec. 67"

3 Insert "sec. 68"

4

5 Page 98, line 5:

6 Delete "sec. 81"

7 Insert "sec. 82"

8

9 Page 98, line 8:

10 Delete "sec. 99"

11 Insert "sec. 100"

12

13 Page 99, following line 10:

14 Insert a new paragraph to read:

15 "(26) AS 12.55.027(f), enacted by sec. 62 of this Act;"

16

17 Renumber the following paragraphs accordingly.

18

19 Page 99, line 11:

20 Delete "sec. 86"

21 Insert "sec. 87"

22

23 Page 99, line 12:

24 Delete "sec. 87"

25 Insert "sec. 88"

26

27 Page 99, line 13:

28 Delete "sec. 93"

29 Insert "sec. 94"

30

31 Page 99, line 14:

- 1 Delete "sec. 94"
- 2 Insert "sec. 95"
- 3
- 4 Page 99, line 15:
 - 5 Delete "sec. 95"
 - 6 Insert "sec. 96"
 - 7
- 8 Page 99, line 16:
 - 9 Delete "sec. 148"
 - 10 Insert "sec. 149"
 - 11
- 12 Page 99, line 31:
 - 13 Delete "sec. 76"
 - 14 Insert "sec. 77"
 - 15
- 16 Page 100, line 1:
 - 17 Delete "sec. 77"
 - 18 Insert "sec. 78"
 - 19
- 20 Page 100, line 2:
 - 21 Delete "sec. 78"
 - 22 Insert "sec. 79"
 - 23
- 24 Page 100, line 3:
 - 25 Delete "sec. 79"
 - 26 Insert "sec. 80"
 - 27
- 28 Page 100, line 4:
 - 29 Delete "sec. 80"
 - 30 Insert "sec. 81"
 - 31

1 Page 100, line 5:

2 Delete "sec. 81"

3 Insert "sec. 82"

4

5 Page 100, line 6:

6 Delete "sec. 134"

7 Insert "sec. 135"

8

9 Page 100, line 7:

10 Delete "sec. 135"

11 Insert "sec. 136"

12

13 Page 100, line 12:

14 Delete "sec. 75"

15 Insert "sec. 76"

16

17 Page 100, line 13:

18 Delete "sec. 89"

19 Insert "sec. 90"

20

21 Page 100, line 14:

22 Delete "sec. 92"

23 Insert "sec. 93"

24

25 Page 100, line 15:

26 Delete "sec. 102"

27 Insert "sec. 103"

28

29 Page 100, line 16:

30 Delete "sec. 104"

31 Insert "sec. 105"

1

2 Page 100, line 17:

3 Delete "sec. 136"

4 Insert "sec. 137"

5

6 Page 100, line 24:

7 Delete "sec. 64"

8 Insert "sec. 65"

9

10 Page 100, line 25:

11 Delete "sec. 65"

12 Insert "sec. 66"

13

14 Page 100, line 26:

15 Delete "sec. 66"

16 Insert "sec. 67"

17

18 Page 100, line 27:

19 Delete "sec. 67"

20 Insert "sec. 68"

21

22 Page 100, line 29:

23 Delete "sec. 67"

24 Insert "sec. 68"

25

26 Page 101, line 1:

27 Delete "sec. 62"

28 Insert "sec. 63"

29

30 Page 101, line 2:

31 Delete "sec. 69"

1 Insert "sec. 70"

2

3 Page 101, line 5:

4 Delete "sec. 68"

5 Insert "sec. 69"

6

7 Page 101, line 6:

8 Delete "sec. 70"

9 Insert "sec. 71"

10

11 Page 101, line 7:

12 Delete "sec. 71"

13 Insert "sec. 72"

14

15 Page 101, line 8:

16 Delete "sec. 72"

17 Insert "sec. 73"

18

19 Page 101, line 9:

20 Delete "sec. 74"

21 Insert "sec. 75"

22

23 Page 101, line 10:

24 Delete "sec. 96"

25 Insert "sec. 97"

26

27 Page 101, line 11:

28 Delete "sec. 97"

29 Insert "sec. 98"

30

31 Page 101, line 15:

1 Delete "sec. 83"

2 Insert "sec. 84"

3

4 Page 101, line 16:

5 Delete "sec. 84"

6 Insert "sec. 85"

7

8 Page 101, line 17:

9 Delete "sec. 85"

10 Insert "sec. 86"

11

12 Page 101, line 18:

13 Delete "sec. 91"

14 Insert "sec. 92"

15

16 Page 101, line 21:

17 Delete "sec. 100"

18 Insert "sec. 101"

19

20 Page 101, line 22:

21 Delete "sec. 101"

22 Insert "sec. 102"

23

24 Page 101, line 23:

25 Delete "sec. 103"

26 Insert "sec. 104"

27

28 Page 101, line 24:

29 Delete "sec. 105"

30 Insert "sec. 106"

31

- 1 Page 101, line 25:
- 2 Delete "sec. 107"
- 3 Insert "sec. 108"
- 4
- 5 Page 101, line 26:
- 6 Delete "sec. 108"
- 7 Insert "sec. 109"
- 8
- 9 Page 101, line 27:
- 10 Delete "sec. 109"
- 11 Insert "sec. 110"
- 12
- 13 Page 101, line 28:
- 14 Delete "sec. 115"
- 15 Insert "sec. 116"
- 16
- 17 Page 101, line 29:
- 18 Delete "sec. 116"
- 19 Insert "sec. 117"
- 20
- 21 Page 101, line 30:
- 22 Delete "sec. 117"
- 23 Insert "sec. 118"
- 24
- 25 Page 101, line 31:
- 26 Delete "sec. 118"
- 27 Insert "sec. 119"
- 28
- 29 Page 102, line 1:
- 30 Delete "sec. 119"
- 31 Insert "sec. 120"

1

2 Page 102, line 2:

3 Delete "sec. 120"

4 Insert "sec. 121"

5

6 Page 102, line 3:

7 Delete "sec. 121"

8 Insert "sec. 122"

9

10 Page 102, line 4:

11 Delete "sec. 122"

12 Insert "sec. 123"

13

14 Page 102, line 5:

15 Delete "sec. 123"

16 Insert "sec. 124"

17

18 Page 102, line 6:

19 Delete "sec. 124"

20 Insert "sec. 125"

21

22 Page 102, line 7:

23 Delete "sec. 125"

24 Insert "sec. 126"

25

26 Page 102, line 8:

27 Delete "sec. 126"

28 Insert "sec. 127"

29

30 Page 102, line 9:

31 Delete "sec. 127"

- 1 Insert "sec. 128"
- 2
- 3 Page 102, line 10:
- 4 Delete "sec. 128"
- 5 Insert "sec. 129"
- 6
- 7 Page 102, line 11:
- 8 Delete "sec. 129"
- 9 Insert "sec. 130"
- 10
- 11 Page 102, line 12:
- 12 Delete "sec. 130"
- 13 Insert "sec. 131"
- 14
- 15 Page 102, line 13:
- 16 Delete "sec. 131"
- 17 Insert "sec. 132"
- 18
- 19 Page 102, line 14:
- 20 Delete "sec. 132"
- 21 Insert "sec. 133"
- 22
- 23 Page 102, line 15:
- 24 Delete "secs. 152 - 154"
- 25 Insert "secs. 153 - 155"
- 26
- 27 Page 102, line 16:
- 28 Delete "152 - 154"
- 29 Insert "153 - 155"
- 30
- 31 Page 102, line 31:

- 1 Delete "sec. 63"
- 2 Insert "sec. 64"
- 3
- 4 Page 103, line 1:
 - 5 Delete "sec. 99"
 - 6 Insert "sec. 100"
 - 7
- 8 Page 103, line 2:
 - 9 Delete "sec. 142"
 - 10 Insert "sec. 143"
 - 11
- 12 Page 103, line 6:
 - 13 Delete "sec. 152"
 - 14 Insert "sec. 153"
 - 15
- 16 Page 103, line 8:
 - 17 Delete "sec. 156(a)"
 - 18 Insert "sec. 157(a)"
 - 19
- 20 Page 103, line 11:
 - 21 Delete "sec. 156(b)"
 - 22 Insert "sec. 157(b)"
 - 23
- 24 Page 103, line 14:
 - 25 Delete "sec. 156(b)"
 - 26 Insert "sec. 157(b)"
 - 27
- 28 Page 103, line 17:
 - 29 Delete "sec. 66"
 - 30 Insert "sec. 67"
 - 31 Delete "sec. 156(c)"

- 1 Insert "sec. 157(c)"
- 2
- 3 Page 103, line 20:
- 4 Delete "sec. 67"
- 5 Insert "sec. 68"
- 6 Delete "sec. 156(d)"
- 7 Insert "sec. 157(d)"
- 8
- 9 Page 103, line 23:
- 10 Delete "sec. 81"
- 11 Insert "sec. 82"
- 12 Delete "sec. 156(e)"
- 13 Insert "sec. 157(e)"
- 14
- 15 Page 103, line 26:
- 16 Delete "sec. 99"
- 17 Insert "sec. 100"
- 18 Delete "sec. 156(f)"
- 19 Insert "sec. 157(f)"
- 20
- 21 Page 103, lines 29 - 30:
- 22 Delete "65, 67, 69, 73, 76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
- 23 Insert "63, 66, 68, 70, 74, 77 - 89, 92, 94 - 96, 135, 136, 144 - 152, and 156"
- 24
- 25 Page 103, line 31, through page 104, line 1:
- 26 Delete "66, 68, 70 - 72, 74, 75, 89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
- 27 Insert "67, 69, 71 - 73, 75, 76, 90, 91, 93, 97 - 99, 101 - 134, and 137 - 141"
- 28
- 29 Page 104, line 2:
- 30 Delete "sec. 152"
- 31 Insert "sec. 153"

1

2 Page 104, line 4:

3 Delete "63, 99, 142, 152 - 154, and 156(f)"

4 Insert "64, 100, 143, 153 - 155, and 157(f)"



Alaska State Legislature

Representative Matt Claman

HB 205

Amendment #10

Sponsor Statement

This amendment provides the court with greater discretion in deciding whether a defendant on pretrial release may receive credit towards their sentence of imprisonment for time spent in a program or under electronic monitoring that furthers the reformation and rehabilitation of the defendant. Currently, 12.55.027 sets out guidelines that restrict what qualifies as a “treatment program” and what a defendant may or may not be allowed to do in that program for a judge to grant credit toward their jail sentence. 12.55.027 was an attempt to codify case law, but the courts ruled that the statute is more restrictive. Attempts to codify each situation in which a defendant may be entitled to credit toward their sentence limits the court’s ability to adapt pretrial release standards to account for improved technology and program development. Some modern programs that effectively support rehabilitation and reduce recidivism were not available in past years.

The *Nygren* line of cases established criteria to consider when assessing whether a defendant’s participation in a treatment program qualified as custody for purposes of pretrial jail credits. The courts applied this common law rule in Alaska for close to a quarter-century. In 2007, the legislature enacted AS12.55.027 to codify and supplant *Nygren*. But in *McKinley v. State* (2012), the Court of Appeals held that AS12.55.027 imposed a more restrictive rule on the defendant’s eligibility to receive jail credit for pretrial release than *Nygren*. Interest in reducing recidivism rates and concerns with reducing the cost of incarceration has prompted a need to give judges more flexibility to consider the circumstances of the defendant and the program when making a pretrial release decision. Current AS12.55.027 takes a one-size-fits-all model of criminal rehabilitation and reform that may not serve the State’s interests.

The reformatory and rehabilitative needs of a defendant vary from case to case. Judges should have reasonable discretion to determine whether a defendant’s pre-trial conditions and their compliance with those conditions is a basis for credit toward their sentence. By considering the defendant, the allegations, public safety, victim’s rights, and the constitutional values of reform and rehabilitation, the court may make this determination. With the advent of new technologies, including sophisticated electronic monitoring devices, it is reasonable to allow the courts to consider how new technologies may facilitate monitoring of a defendant’s movement and behavior. For example, electronic monitors can track a person 24 hours a day to determine their exact location with Global Positioning System technologies at a lower cost than was previously available. Additionally, some monitors can detect drug and alcohol use. This modern technology will allow a judge and the DOC to evaluate the defendant’s behavior with greater certainty.

In addition to electronic monitoring, reformation programs like substance abuse treatment programs and work-release programs may further rehabilitation before an offender is sentenced. Experience shows that persons convicted are less likely to recidivate if they participate in one of these programs.

The population of un-sentenced individuals housed in the Department of Corrections has increased over the past several years from an average of 677 in FY2009 to 902 in FY2013. This increase is costly and does not encourage rehabilitation of un-sentenced offenders. Extended pretrial incarceration of nonviolent, first-time offenders may actually increase the recidivism rate. This smart justice reform is a step toward cost savings, innovation in rehabilitation and reformation programs, and encouraging offenders to reengage with society in an orderly and supervised manner as ordered by the court.

AMENDMENT #30

OFFERED IN THE HOUSE

TO: CSHB 205(), Draft Version "H"

1 Page 44, following line 27:

2 Insert new bill sections to read:

3 **** Sec. 76.** AS 12.55.125(a) is amended to read:

4 (a) A defendant convicted of murder in the first degree or murder of an unborn
5 child under AS 11.41.150(a)(1) shall be sentenced to a definite term of imprisonment
6 of at least 30 [20] years but not more than 99 years. A defendant convicted of murder
7 in the first degree shall be sentenced to a mandatory term of imprisonment of 99 years
8 when

9 (1) the defendant is convicted of the murder of a uniformed or
10 otherwise clearly identified peace officer, firefighter, or correctional employee who
11 was engaged in the performance of official duties at the time of the murder;

12 (2) the defendant has been previously convicted of

13 (A) murder in the first degree under AS 11.41.100 or former
14 AS 11.15.010 or 11.15.020;

15 (B) murder in the second degree under AS 11.41.110 or former
16 AS 11.15.030; or

17 (C) homicide under the laws of another jurisdiction when the
18 offense of which the defendant was convicted contains elements similar to first
19 degree murder under AS 11.41.100 or second degree murder under
20 AS 11.41.110;

21 (3) the defendant subjected the murder victim to substantial physical
22 torture;

23 (4) the defendant is convicted of the murder of and personally caused

1 the death of a person, other than a participant, during a robbery; or

2 (5) the defendant is a peace officer who used the officer's authority as a
3 peace officer to facilitate the murder.

4 * **Sec. 77.** AS 12.55.125(b) is amended to read:

5 (b) A defendant convicted of attempted murder in the first degree, solicitation
6 to commit murder in the first degree, conspiracy to commit murder in the first degree,
7 kidnapping, or misconduct involving a controlled substance in the first degree shall be
8 sentenced to a definite term of imprisonment of at least five years but not more than
9 99 years. A defendant convicted of murder in the second degree or murder of an
10 unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of
11 imprisonment of at least 20 [10] years but not more than 99 years. A defendant
12 convicted of murder in the second degree shall be sentenced to a definite term of
13 imprisonment of at least 20 years but not more than 99 years when the defendant is
14 convicted of the murder of a child under 16 years of age and the court finds by clear
15 and convincing evidence that the defendant (1) was a natural parent, a stepparent, an
16 adoptive parent, a legal guardian, or a person occupying a position of authority in
17 relation to the child; or (2) caused the death of the child by committing a crime against
18 a person under AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and
19 "position of authority" have the meanings given in AS 11.41.470."

20
21 Renumber the following bill sections accordingly.

22
23 Page 47, following line 13:

24 Insert a new bill section to read:

25 ** **Sec. 81.** AS 12.55.127(c) is amended to read:

26 (c) If the defendant is being sentenced for

27 (1) escape, the term of imprisonment shall be consecutive to the term
28 for the underlying crime;

29 (2) two or more crimes under AS 11.41, a consecutive term of
30 imprisonment shall be imposed for at least

31 (A) the mandatory minimum term under AS 12.55.125(a) for

1 each additional crime that is murder in the first degree;

2 **(B) one-fourth of the mandatory minimum term under**
 3 **AS 12.55.125(b) for each additional crime that is murder in the second**
 4 **degree;**

5 **(C) [(B)] the mandatory minimum term for each additional**
 6 **crime that is an unclassified felony governed by AS 12.55.125(b) other than**
 7 **murder in the second degree;**

8 **(D) [(C)] the presumptive term specified in AS 12.55.125(c) or**
 9 **the active term of imprisonment, whichever is less, for each additional crime**
 10 **that is**

11 (i) manslaughter; or

12 (ii) kidnapping that is a class A felony;

13 **(E) [(D)] two years or the active term of imprisonment,**
 14 **whichever is less, for each additional crime that is criminally negligent**
 15 **homicide;**

16 **(F) [(E)] one-fourth of the presumptive term under**
 17 **AS 12.55.125(c) or (i) for each additional crime that is sexual assault in the**
 18 **first degree under AS 11.41.410 or sexual abuse of a minor in the first degree**
 19 **under AS 11.41.434, or an attempt, solicitation, or conspiracy to commit those**
 20 **offenses; and**

21 **(G) [(F)] some additional term of imprisonment for each**
 22 **additional crime, or each additional attempt or solicitation to commit the**
 23 **offense, under AS 11.41.200 - 11.41.250, 11.41.420 - 11.41.432, 11.41.436 -**
 24 **11.41.458, or 11.41.500 - 11.41.520."**

25
 26 Renumber the following bill sections accordingly.

27
 28 Page 98, line 5:

29 Delete "sec. 81"

30 Insert "sec. 84"

1 Page 98, line 8:

2 Delete "sec. 99"

3 Insert "sec. 102"

4

5 Page 99, following line 10:

6 Insert new paragraphs to read:

7 "(26) AS 12.55.125(a), as amended by sec. 76 of this Act;

8 (27) AS 12.55.125(b), as amended by sec. 77 of this Act;

9 (28) AS 12.55.127(c), as amended by sec. 81 of this Act;"

10

11 Renumber the following paragraphs accordingly.

12

13 Page 98, line 5:

14 Delete "sec. 81"

15 Insert "sec. 84"

16

17 Page 98, line 8:

18 Delete "sec. 99"

19 Insert "sec. 102"

20

21 Page 99, line 11:

22 Delete "sec. 86"

23 Insert "sec. 89"

24

25 Page 99, line 12:

26 Delete "sec. 87"

27 Insert "sec. 90"

28

29 Page 99, line 13:

30 Delete "sec. 93"

31 Insert "sec. 96"

- 1
- 2 Page 99, line 14:
- 3 Delete "sec. 94"
- 4 Insert "sec. 97"
- 5
- 6 Page 99, line 15:
- 7 Delete "sec. 95"
- 8 Insert "sec. 98"
- 9
- 10 Page 99, line 16:
- 11 Delete "sec. 148"
- 12 Insert "sec. 151"
- 13
- 14 Page 99, line 31:
- 15 Delete "sec. 76"
- 16 Insert "sec. 78"
- 17
- 18 Page 100, line 1:
- 19 Delete "sec. 77"
- 20 Insert "sec. 79"
- 21
- 22 Page 100, line 2:
- 23 Delete "sec. 78"
- 24 Insert "sec. 80"
- 25
- 26 Page 100, line 3:
- 27 Delete "sec. 79"
- 28 Insert "sec. 82"
- 29
- 30 Page 100, line 4:
- 31 Delete "sec. 80"

- 1 Insert "sec. 83"
- 2
- 3 Page 100, line 5:
- 4 Delete "sec. 81"
- 5 Insert "sec. 84"
- 6
- 7 Page 100, line 6:
- 8 Delete "sec. 134"
- 9 Insert "sec. 137"
- 10
- 11 Page 100, line 7:
- 12 Delete "sec. 135"
- 13 Insert "sec. 138"
- 14
- 15 Page 100, line 13:
- 16 Delete "sec. 89"
- 17 Insert "sec. 92"
- 18
- 19 Page 100, line 14:
- 20 Delete "sec. 92"
- 21 Insert "sec. 95"
- 22
- 23 Page 100, line 15:
- 24 Delete "sec. 102"
- 25 Insert "sec. 105"
- 26
- 27 Page 100, line 16:
- 28 Delete "sec. 104"
- 29 Insert "sec. 107"
- 30
- 31 Page 100, line 17:

1 Delete "sec. 136"
2 Insert "sec. 139"
3
4 Page 101, line 10:
5 Delete "sec. 96"
6 Insert "sec. 99"
7
8 Page 101, line 11:
9 Delete "sec. 97"
10 Insert "sec. 100"
11
12 Page 101, line 15:
13 Delete "sec. 83"
14 Insert "sec. 86"
15
16 Page 101, line 16:
17 Delete "sec. 84"
18 Insert "sec. 87"
19
20 Page 101, line 17:
21 Delete "sec. 85"
22 Insert "sec. 88"
23
24 Page 101, line 18:
25 Delete "sec. 91"
26 Insert "sec. 94"
27
28 Page 101, line 21:
29 Delete "sec. 100"
30 Insert "sec. 103"
31

- 1 Page 101, line 22:
- 2 Delete "sec. 101"
- 3 Insert "sec. 104"
- 4
- 5 Page 101, line 23:
- 6 Delete "sec. 103"
- 7 Insert "sec. 106"
- 8
- 9 Page 101, line 24:
- 10 Delete "sec. 105"
- 11 Insert "sec. 108"
- 12
- 13 Page 101, line 25:
- 14 Delete "sec. 107"
- 15 Insert "sec. 110"
- 16
- 17 Page 101, line 26:
- 18 Delete "sec. 108"
- 19 Insert "sec. 111"
- 20
- 21 Page 101, line 27:
- 22 Delete "sec. 109"
- 23 Insert "sec. 112"
- 24
- 25 Page 101, line 28:
- 26 Delete "sec. 115"
- 27 Insert "sec. 118"
- 28
- 29 Page 101, line 29:
- 30 Delete "sec. 116"
- 31 Insert "sec. 119"

1

2 Page 101, line 30:

3 Delete "sec. 117"

4 Insert "sec. 120"

5

6 Page 101, line 31:

7 Delete "sec. 118"

8 Insert "sec. 121"

9

10 Page 102, line 1:

11 Delete "sec. 119"

12 Insert "sec. 122"

13

14 Page 102, line 2:

15 Delete "sec. 120"

16 Insert "sec. 123"

17

18 Page 102, line 3:

19 Delete "sec. 121"

20 Insert "sec. 124"

21

22 Page 102, line 4:

23 Delete "sec. 122"

24 Insert "sec. 125"

25

26 Page 102, line 5:

27 Delete "sec. 123"

28 Insert "sec. 126"

29

30 Page 102, line 6:

31 Delete "sec. 124"

1 Insert "sec. 127"

2

3 Page 102, line 7:

4 Delete "sec. 125"

5 Insert "sec. 128"

6

7 Page 102, line 8:

8 Delete "sec. 126"

9 Insert "sec. 129"

10

11 Page 102, line 9:

12 Delete "sec. 127"

13 Insert "sec. 130"

14

15 Page 102, line 10:

16 Delete "sec. 128"

17 Insert "sec. 131"

18

19 Page 102, line 11:

20 Delete "sec. 129"

21 Insert "sec. 132"

22

23 Page 102, line 12:

24 Delete "sec. 130"

25 Insert "sec. 133"

26

27 Page 102, line 13:

28 Delete "sec. 131"

29 Insert "sec. 134"

30

31 Page 102, line 14:

- 1 Delete "sec. 132"
- 2 Insert "sec. 135"
- 3
- 4 Page 102, line 15:
 - 5 Delete "secs. 152 - 154"
 - 6 Insert "secs. 155 - 157"
 - 7
- 8 Page 102, line 16:
 - 9 Delete "152 - 154"
 - 10 Insert "155 - 157"
 - 11
- 12 Page 103, line 1:
 - 13 Delete "sec. 99"
 - 14 Insert "sec. 102"
 - 15
- 16 Page 103, line 2:
 - 17 Delete "sec. 142"
 - 18 Insert "sec. 145"
 - 19
- 20 Page 103, line 6:
 - 21 Delete "sec. 152"
 - 22 Insert "sec. 155"
 - 23
- 24 Page 103, line 8:
 - 25 Delete "sec. 156(a)"
 - 26 Insert "sec. 159(a)"
 - 27
- 28 Page 103, line 11:
 - 29 Delete "sec. 156(b)"
 - 30 Insert "sec. 159(b)"
 - 31

- 1 Page 103, line 14:
 - 2 Delete "sec. 156(b)"
 - 3 Insert "sec. 159(b)"
 - 4
- 5 Page 103, line 17:
 - 6 Delete "sec. 156(c)"
 - 7 Insert "sec. 159(c)"
 - 8
- 9 Page 103, line 20:
 - 10 Delete "sec. 156(d)"
 - 11 Insert "sec. 159(d)"
 - 12
- 13 Page 103, line 23:
 - 14 Delete "sec. 156(e)"
 - 15 Insert "sec. 159(e)"
 - 16
- 17 Page 103, line 26:
 - 18 Delete "sec. 99"
 - 19 Insert "sec. 102"
 - 20 Delete "sec. 156(f)"
 - 21 Insert "sec. 159(f)"
 - 22
- 23 Page 103, lines 29 - 30:
 - 24 Delete "76 - 88, 91, 93 - 95, 134, 135, 143 - 151, and 155"
 - 25 Insert "78 - 91, 94, 96 - 98, 137, 138, 146 - 154, and 158"
 - 26
- 27 Page 103, line 31, through page 104, line 1:
 - 28 Delete "89, 90, 92, 96 - 98, 100 - 133, and 136 - 140"
 - 29 Insert "92, 93, 95, 99 - 101, 103 - 136, and 139 - 143"
 - 30
- 31 Page 104, line 2:

1 Delete "sec. 152"

2 Insert "sec. 155"

3

4 Page 104, line 4:

5 Delete "99, 142, 152 - 154, and 156(f)"

6 Insert "102, 145, 155 - 157, and 159(f)"